SUBTITLE 40.5
PROCEDURES

40.500 OVERVIEW OF PROCEDURES

40.500.010 SUMMARY OF PROCEDURES AND PROCESSES

A. Purpose and applicability.
   1. This chapter describes how the county will process applications for development subject to review under the UDC and Title 14, and is intended to identify the procedure for determining whether development proposals are, or can be conditioned or mitigated to be, consistent with applicable policies and standards. Consistency is determined by consideration of substantial evidence in the record that is relevant to these policies and standards.
   2. Interpretations and Authority. Upon request, the responsible official shall issue a formal written interpretation of a development regulation. A formal written interpretation shall be a Type I action and shall be subject to the appeal provisions of Section 40.510.010(E). If an application for an interpretation is associated with another application(s) subject to this title, then the application for the interpretation shall be combined with the associated application(s) and is subject to the same procedure type as the applications with which it is combined.

B. Development approvals timeline - General
   1. Basic Rule. Preliminary approval of land divisions (Chapter 40.540), Site Plan approval (Section 40.520.040), uses subject to Review and Approval (R/A) (Section 40.520.020), approval of conditional use permits, (Section 40.520.030), approval of planned unit developments (Section 40.520.080), and approval of variances, (Section 40.550.020), shall be valid for a period of five (5) years after approval. The right to develop an approved land division, site plan, use permitted subject to review and approval (R/A), conditional use permit, planned unit development or variance or part thereof expires five years after the effective date of the decision approving such development, unless:
      a. For land divisions - A fully complete application for a final plat has been submitted.
      b. For use approvals that do not require a building permit - The permitted use has legally commenced on the premises.
      c. For all other approvals - A building permit for the approved development has been issued and remains in effect, or a final occupancy permit has been issued.
   2. Extensions—Phased Developments.
      a. Those applications specifically approved for phased development may receive an unlimited number of subsequent two- (2) year extensions in accordance with the following:
         (1) At least one (1) phase has met the general development approvals timeline basic rule described in subsection (B)(2), above, within the five- (5) year time limit;
         (2) The request for the extension has been submitted in writing to the responsible official at least thirty (30) days prior to the five- (5) year deadline, or in the case of a subsequent extension request, at least thirty (30) days prior to the expiration of the approval period;
         (3) The applicant has demonstrated an active effort in pursuing the next phase of the application; and
         (4) The applicant has demonstrated that there are no significant changes in conditions which would render approval of the application contrary to the public health, safety or general welfare.
      b. The responsible official shall take one of the following actions upon receipt of a timely extension request:
         (1) Approve the extension request if no significant issues are presented under the criteria set forth in this section,
         (2) Conditionally approve the application if any significant issues presented are substantially mitigated by minor revisions to the original approval,
         (3) Deny the extension request if any significant issues presented cannot be substantially mitigated by minor revisions to the approved plan;
      c. A request for extension approval shall be processed as a Type I action. Appeal and post-decision review of a Type I action is permitted as provided in this subtitle.

3. Developer Agreements. Notwithstanding the foregoing, the board may approve a developer agreement under RCW 36.70B.170–.240 providing for a longer approval duration. The hearings examiner is delegated authority to conduct hearings and make recommendations for developer agreements, but final approval thereof is reserved to the board.

C. Reapplication. No person, including the original applicant, shall reapply for a similar use on the same land, building, or structure within a period of one year from the date of the final decision on such previous application, unless such decision is a denial without prejudice, or unless in the opinion of the review authority, conditions have substantially changed.-

D. Application types and classification.
   1. Applications for review pursuant to Section 40.500.010(A) shall be subject to a Type I, Type II, Type III or Type IV process as summarized in Table 40.500.010-1.
   2. Unless otherwise required, where the county must approve more than one application for a given development, all applications required for the development may be submitted for review at one time. Where more than one application is submitted for a given development, and those applications are subject to different types of procedure, then all the applications are subject to the highest-number procedure that applies to any of the applications.
   3. If this code expressly provides that an application is subject to one of the four types of procedures or another procedure, then the application shall be processed accordingly. If this code does not expressly provide for review using one of the four types of procedures, and another specific procedure is not required by law, the responsible official for the application in question shall classify the application as one of the four types of procedures.
      a. The act of classifying an application shall be a Type I action. Classification of an application shall be subject to reconsideration and appeal at the same time and in the same way as the merits of the application in question.
      b. Questions about what procedure is appropriate shall be resolved in favor of the type providing the greatest notice and opportunity to participate.
      c. The responsible official shall consider the following guidelines when classifying the procedure type for an application:
         (1) A Type I process involves an application that is subject to clear, objective and nondiscretionary standards or standards that require the exercise of professional judgment about technical issues, and that is exempt from SEPA review. The responsible official is the review authority for Type I decisions.
         (2) A Type II process involves an application that is subject to objective and subjective standards that require the exercise of limited discretion about non-technical issues and about which there may be a limited public interest. The responsible official is the review authority for Type II decisions.
         (3) A Type III process involves an application for relatively few parcels and ownerships. It is subject to standards that require the exercise of substantial discretion and about which there may be a broad public interest. The hearings examiner is the review authority for Type III decisions.
         (4) A Type IV process involves the creation, implementation or amendment of policy or law by ordinance. In contrast to the other three procedure types, the subject of a Type IV process generally applies to a relatively large geographic area containing many property owners, and except for annual reviews, an application subject to a Type IV process can be filed only by the county. The board is the review authority for Type IV decisions.

Table 40.500.010-1. Summary of Development Approvals by Review Type					
	Type I	**Type II**	**Type III**	**Type IV**	**Code Reference**
Interpretations					
Code Interpretation –written	**X**				40.500.010(A)(2)
Classification of an application	**X**				40.500.020(B)(3)
Similar Use Determination	**X**	**X**			40.200.010(E)
Pre-Application Waiver	**X**				40.510.020(A)(2) 40.510.030(A)(2)
Counter Complete	**X**				40.510.010(A) 40.510.020(B) 40.510.030(B)
Fully Complete	**X**				40.510.010(B) 40.510.020(C) 40.510.030(C)
Submittal Requirements waiver	**X**				40.510.010(B) 40.510.020(C) 40.510.030(C)
Permits and Reviews					
Legal Lot Determination	**X**				40.520.010
Review and Approval (R/A)	**X**	**X**			40.520.020
Conditional Use Permit (CUP)			**X**		40.520.030
Site Plan Review	**X**	**X**			40.520.040
Sign Permit	**X**				40.520.050
Post Decision Review	**X**	**X**	**X**		40.520.060
Master Plans			**X**		40.520.070
Planned Unit Developments		**X**	**X**		40.520.080
Non-Conforming Uses					
Non-Conforming Use Determination	**X**				40.530
Expansion of a Non Conforming Use		**X**	**X**		40.530
Boundary Line Adjustments and Land Divisions					
Boundary Line Adjustment	**X**				40.540.010
Short Plat		**X**			40.540.030
Subdivision			**X**		40.540.040
Final Plat	**X**				40.540.070
Lot Reconfiguration		**X**			40.540.120
Modifications and Variances					
Road Modification	**X**	**X**	**X**		40.550.010
Variance	**X**	**X**	**X**		40.550.020
Sewer Waiver	**X**				40.370.010(C)
Plan and Code Amendments					
Annual Reviews				**X**	40.560.010
Zone Change within CP designation			**X**		40.560.020
Zone Change Text Amendments				**X**	
Special Area-Related Reviews					
Archaeological Predetermination	**X**				40.570.080
Columbia River Gorge Permit		**X**	**X**		40.240.100
Shoreline (special review process)			**X**		40.460
Historic Preservation (special review process)		**X**			40.250.030
Open Space				**X**	CCC Chapter 3.08 40.560.010(M)(2)

Table 40.500.010-1. Summary of Development Approvals by Review Type					
	Type I	**Type II**	**Type III**	**Type IV**	**Code Reference**
Critical Areas:					
Critical Aquifer Recharge Areas (CARA) Permit	**X**	**X**	**X**		40.410
Floodplain Review	**X**	**X**	**X**		40.420
Geo-Hazard	**X**	**X**	**X**		40.430
Habitat Permit		**X**			40.440
Preliminary Wetland Permit		**X**	**X**		40.450.040(H)
Wetland Variance			**X**		40.450.040(J)
Final Wetland Permit	**X**				40.450.040(I)
Emergency Wetland Permit	**X**				40.450.040(K)

40.510 TYPE I, II, III AND IV PROCESSES

40.510.010 TYPE I PROCESS – MINISTERIAL DECISIONS

A. Review for counter complete status.
   1. Before accepting an application for review for fully complete status, and unless otherwise expressly provided by code, the responsible official shall determine the application is counter complete.
   2. The responsible official shall decide whether an application is counter complete when the application is submitted, typically "over the counter".
   3. An application is counter complete if the responsible official finds that the application purports and appears to include the information required by Section 40.510.010(B); provided, no effort shall be made to evaluate the substantive adequacy of the information in the application in the counter complete review process. Required information which has been waived by the responsible official shall be replaced by a determination from the responsible official granting the waiver.
   4. If the responsible official decides the application is counter complete, then the application shall be accepted for review for fully complete status; provided, that for final plat applications, submittal requirements may be requested and reviewed in increments established by the responsible official.
   5. If the responsible official decides the application is not counter complete, then the responsible official shall immediately reject and return the application and identify what is needed to make the application counter complete.

B. Review for fully complete status.
   1. Before accepting an application for processing, the responsible official shall determine that the application is fully complete. Final plat applications shall not be deemed fully complete until all of the required materials specified in Section 40.540.070 have been submitted; however, the responsible official may establish application procedures to allow final plat applications to be processed in increments in advance of a fully complete application.
   2. The responsible official shall decide whether an application is fully complete subject to the following:
      a. Within twenty-one (21) calendar days after the responsible official determines the application is counter complete; or
      b. Within fourteen (14) calendar days after an application has been resubmitted to the county after the application has been returned to the applicant as being incomplete.
   3. An application is fully complete if it includes all the required materials specified in the submittal requirements for the specific development review application being applied for and additional materials specified in the pre-application conference. If submittal requirements are not specified in the applicable code sections the application is fully complete if it includes the following:
      a. A completed original application form signed by the owner(s) of the property subject to the application or by a representative authorized to do so by written instrument executed by the owner(s) and filed with the application;
      b. A legal description supplied by the Clark County survey records division, a title company, surveyor licensed in the state of Washington, or other party approved by responsible official, and current County Assessor map(s) showing the property(ies) subject to the application;
      c. The applicable fee(s) adopted by the board for the application(s) in question;
      d. An application shall include all of the information listed as application requirements in the relevant sections of this code.
         (1) The responsible official may waive application requirements that are clearly not necessary to show an application complies with relevant criteria and standards and may modify application requirements based on the nature of the proposed application, development, site or other factors. Requests for waivers shall be reviewed as a Type I process before applications are submitted for counter complete review or the application must contain all the required information.
         (2) The decision about the fully complete status of an application, including any required engineering, traffic or other studies, shall be based on submittal requirements listed in Sections 40.510.050 and

other applicable submittal requirements and shall not be based on the quality or technical accuracy of the submittal;

e. Any applicable SEPA document, typewritten or in ink and signed.

4. If the responsible official decides an application is not fully complete, then, within the time provided in subsection (B)(2) of this section, the responsible official shall send the applicant a written statement indicating that the application is incomplete based on a lack of information and listing what is required to make the application fully complete.
   a. The statement shall specify a date by which the required missing information must be provided to restart the fully complete review process pursuant to subsection (B)(2)(b) of this section. The statement shall state that an applicant can apply to extend the deadline for filing the required information, and explain how to do so.
   b. The statement also may include recommendations for additional information that, although not necessary to make the application fully complete, is recommended to address other issues that are or may be relevant to the review.
5. If the required information is not submitted by the date specified and the responsible official has not extended that date, within seven (7) calendar days after that date the responsible official shall take the action in subsections (B)(5)(a), (B)(5)(b) or (B)(5)(c) of this section. If the required information is submitted by the date specified, then within fourteen (14) calendar days the responsible official shall decide whether the application is fully complete and, if not, the responsible official shall:
   a. Reject and return the application and scheduled fees and mail to the applicant a written statement which lists the remaining additional information needed to make the application fully complete; or
   b. Issue a decision denying the application, based on a lack of information; or
   c. The responsible official may allow the applicant to restart the fully complete review process a second time by providing the required missing information by a date specified by the responsible official, in which case the responsible official shall retain the application and fee pending expiration of that date or a fully complete review of the application as amended by that date.

   If the responsible official decides an application is fully complete, then the responsible official shall, begin processing the application pursuant to Section 40.510.010(C), below.
6. A fully complete determination shall not preclude the county from requesting additional information, studies or changes to submitted information or plans if new information is required or substantial changes to the proposed action occur.

C. Procedure.
1. The responsible official shall approve, approve with conditions, or deny the application within twenty-one (21) calendar days after the date the application was accepted as fully complete. An applicant may request in writing to extend the time in which the responsible official shall issue a decision, provided the county receives within the 21-day period. If the responsible official grants such a request, the responsible official may consider new evidence the applicant introduces with or subsequent to the request.
2. Notice of a decision regarding a Type I process shall be mailed to the applicant and applicant's representative within seven (7) days of the issuance of the decision. The applicant may appeal the decision pursuant to Section 40.510.010(E) or may apply for post-decision changes pursuant to Section 40.520.060.
3. Notice of agricultural, forest or mineral resource activities.
   a. All plats, building permits or development approvals under this title issued for residential development activities on, or within a radius of 500 feet for lands zoned agriculture-wildlife (AG-WL), agriculture (AG-20), forest (FR-40, FR-80), or surface mining (S), or in current use pursuant to RCW 84.34, shall contain or be accompanied by a notice provided by the responsible official. Such notice shall include the following disclosure:

      The subject property is within or near designated agricultural land, forest land or mineral resource land (as applicable) on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.

b. In the case of plats, short plats or recorded binding site plans, such notice shall also be recorded separately with the County Auditor.

D. Vesting.
1. Type I applications shall be considered under the land development regulations in effect at the time a fully complete application for preliminary approval is filed; provided, an application which is subject to pre-application review shall earlier contingently vest on the date a complete pre-application is filed, which contingent vesting shall become final if a fully complete application for substantially the same proposal is filed within one-hundred eighty (180) calendar days of the date the review authority issues its written summary of pre-application review.
2. Special rules apply to certain nonconforming uses under Section 40.530.050.
3. For concurrency approval requirements, see Section 40.350.020.

E. Appeal procedure.
1. A final decision regarding an application subject to a Type I procedure may be appealed by any interested party. Final decisions may be appealed only if, within fourteen (14) calendar days after written notice of the decision is mailed, a written appeal is filed with the responsible official.
2. The appeal shall contain the following information:
   a. The case number designated by the county and the name of the applicant;
   b. The name and signature of each petitioner and a statement showing that each petitioner is entitled to file the appeal under subsection (1) of this section. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative for all contact with the responsible official. All contact with the responsible official regarding the petition, including notice, shall be with this contact representative;
   c. The specific aspect(s) of the decision being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and
   d. The appeal fee adopted by the board; provided, the fee shall be refunded if the appellant files with the responsible official at least fifteen (15) calendar days before the appeal hearing a written statement withdrawing the appeal.
3. The hearings examiner shall hear appeals in a de novo hearing. Notice of an appeal hearing shall be mailed to parties of record, but shall not be posted or published. A staff report shall be prepared, a hearing shall be conducted, and a decision shall be made and noticed and can be appealed as for a Type III process.

40.510.020 TYPE II PROCESS – ADMINISTRATIVE DECISIONS

A. Pre-application Review.
1. The purposes of pre-application review are:
   a. To acquaint county staff with a sufficient level of detail about the proposed development to enable staff to advise the applicant accordingly;
   b. To acquaint the applicant with the applicable requirements of this code and other law. However, the conference is not intended to provide an exhaustive review of all the potential issues that a given application could raise. The pre-application review does not prevent the county from applying all relevant laws to the application; and
   c. To provide an opportunity for other agency staff and the public to be acquainted with the proposed application and applicable law. Although members of the public can attend a pre-application conference, it is not a public hearing, and there is no obligation to receive public testimony or evidence.
2. Pre-application review is required for applications, with the following exceptions:
   a. The application is for one of the following use classifications:
      (1) 40.210.010, Forest and Agriculture Districts;
      (2) 40.520.020, Planning Director Reviews and Similar Use Determinations,
      (3) 40.260, Special Uses (unless specified as a Type III review),
      (4) 40.260.220, Temporary Permits,
      (5) 40.530.050, Change in Non-Conforming Use,

(6) 40.260.210, Temporary Dwelling Permit,
(7) 40.560.020(F), Release of Concomitant Rezone Agreements,
(8) 40.520.060, Post-Decision Reviews,
(9) 40.450.040, Preliminary (stand-alone) Wetland Permit,
(10) SEPA review for projects that are not otherwise Type II reviews (e.g., grading);
(11) 40.200.030, Interpretations; or

b. The applicant applies for and is granted a pre-application waiver from the responsible official. The form shall state that waiver of pre-application review increases the risk the application will be rejected or processing will be delayed. Pre-application review generally should be waived by the responsible official only if the application is relatively simple. The decision regarding a pre-application waiver can be appealed as a Type I decision.

3. To initiate pre-application review, an applicant shall submit a completed form provided by the responsible official for that purpose, the required fee, and all information required by the relevant section(s) of this code. The applicant shall provide the required number of copies of all information as determined by the responsible official.
4. Information not provided on the form shall be provided on the face of the preliminary plat, in an environmental checklist or on other attachments. The responsible official may modify requirements for pre-application materials and may conduct a pre-application review with less than all of the required information. However, failure to provide all of the required information may prevent the responsible official from identifying all applicable issues or providing the most effective pre-application review and will preclude contingent vesting under Section 40.510.020(G). Review for completeness will not be conducted by staff at the time of submittal and it is the responsibility of the applicant.
5. Within fifteen (15) calendar days after receipt of an application for pre-application review, the responsible official shall mail written notice to the applicant and to other interested agencies and parties, including the neighborhood association in whose area the property in question is situated. The notice shall state the date, time and location of the pre-application conference, the purposes of pre-application review, and the nature of the proposal.
6. The responsible official shall coordinate the involvement of agency staff responsible for planning, development review, roads, drainage, parks and other subjects, as appropriate, in the pre-application review process. Relevant staff shall attend the pre-application conference or shall take other steps to fulfill the purposes of pre-application review.
7. The pre-application conference shall be scheduled at least five (5) calendar days after the notice is mailed but not more than twenty-eight (28) calendar days after the responsible official accepts the application for pre-application review. The responsible official shall reschedule the conference and give new notice if the applicant or applicant's representative cannot or does not attend the conference when scheduled.
8. Within seven (7) calendar days after the date of the pre-application conference, the responsible official shall mail to the applicant and to other parties who sign a register provided for such purpose at the pre-application conference or who otherwise request it in writing, a written summary of the pre-application review. The written summary generally shall do the following to the extent possible given the information provided by the applicant:
   a. Summarize the proposed application(s);
   b. Identify the relevant approval criteria and development standards in this code or other applicable law and exceptions, adjustments or other variations from applicable criteria or standards that may be necessary;
   c. Evaluate information the applicant offered to comply with the relevant criteria and standards, and identify specific additional information that is needed to respond to the relevant criteria and standards or is recommended to respond to other issues;
   d. Identify applicable application fees in effect at the time, with a disclaimer that fees may change;
   e. Identify information relevant to the application that may be in the possession of the county or other agencies of which the county is aware, such as:
      (1) Comprehensive plan map designation and zoning on and in the vicinity of the property subject to the application;
      (2) Physical development limitations, such as steep or unstable slopes, wetlands, well head protection areas, or water bodies, that exist on and in the vicinity of the property subject to the application;

(3) Those public facilities that will serve the property subject to the application, including fire services, roads, storm drainage, and, if residential, parks and schools, and relevant service considerations, such as minimum access and fire flow requirements or other minimum service levels and impact fees; and

(4) Other applications that have been approved or are being considered for land in the vicinity of the property subject to the proposed application that may affect or be affected by the proposed application.

f. Where applicable, indicate whether the pre-application submittal was complete so as to trigger contingent vesting under Section 40.510.020(G).

9. An applicant may submit a written request for a second pre-application conference within one (1) calendar year after an initial pre-application conference. There is no additional fee for a second conference if the proposed development is substantially similar to the one reviewed in the first pre-application conference or if it reflects changes based on information received at the first pre-application conference. A request for a second pre-application conference shall be subject to the same procedure as the request for the initial pre-application conference.

10. A new request for or waiver of a pre-application review for a given development shall be filed unless the applicant submits a counter complete application that the responsible official finds is substantially similar to the subject of a pre-application review within one (1) calendar year after the last pre-application conference or after approval of waiver of pre-application review.

B. Review for counter complete status.

1. Before accepting an application for review for fully complete status, and unless otherwise expressly provided by code, the responsible official shall determine the application is counter complete.
2. The responsible official shall decide whether an application is counter complete when the application is accepted, typically “over the counter”.
3. An application is counter complete if the responsible official finds that the application purports and appears to include the information required by Section 40.510.020(C); provided, no effort shall be made to evaluate the substantive adequacy of the information in the application in the counter complete review process. Required information which has been waived by the responsible official shall be replaced by a determination from the responsible official granting the waiver.
4. If the responsible official decides the application is counter complete, then the application shall be accepted for review for fully complete status.
5. If the responsible official decides the application is not counter complete, then the responsible official shall immediately reject and return the application and identify what is needed to make the application counter complete.

C. Review for fully complete status.

1. Before accepting an application for processing, the responsible official shall determine that the application is fully complete.
2. The responsible official shall decide whether an application is fully complete subject to the following:
   a. Within twenty-one (21) calendar days after the responsible official determines the application is counter complete; or
   b. Within fourteen (14) calendar days after an application has been resubmitted to the county after the application has been returned to the applicant as being incomplete.
3. An application is fully complete if it includes all the required materials specified in the submittal requirements for the specific development review application being applied for and additional materials specified in the pre-application conference. If submittal requirements are not specified in the applicable code sections the application is fully complete if it includes the following:
   a. A completed original application form signed by the owner(s) of the property subject to the application or by a representative authorized to do so by written instrument executed by the owner(s) and filed with the application
   b. A legal description supplied by the Clark County survey records division, a title company, surveyor licensed in the state of Washington, or other party approved by the responsible official, and current County Assessor map(s) showing the property(ies) subject to the application;

c. A current County Assessor map(s) showing the property(ies) within a radius of the subject site as required in Section 40.510.020(E);
d. Unless the responsible official has waived the pre-application conference or a pre-application conference was not required pursuant to Section 40.510.020(A)(2), a copy of the pre-application conference summary, and information required by the pre-application conference summary, unless not timely prepared as required by Section 40.510.020(A)(8);
e. The applicable fee(s) adopted by the board for the application(s) in question;
f. An application shall include all of the information listed as application requirements in the relevant sections of this code.
(1) The responsible official may waive application requirements that are clearly not necessary to show an application complies with relevant criteria and standards and may modify application requirements based on the nature of the proposed application, development, site or other factors. Requests for waivers shall be reviewed as a Type I process before applications are submitted for counter complete review or the application must contain all the required information,
(2) The decision about the fully complete status of an application, including any required engineering, traffic or other studies, shall be based on the criteria for completeness as established by the responsible official and shall not be based on differences of opinion as to quality or accuracy;
g. Any applicable SEPA document, typewritten or in ink and signed.

4. If the responsible official decides an application is not fully complete, then, within the time provided in subsection (C)(2) of this section, the responsible official shall send the applicant a written statement indicating that the application is incomplete based on a lack of information and listing what is required to make the application fully complete.
a. The statement shall specify a date by which the required missing information must be provided to restart the fully complete review process pursuant to subsection (C)(2)(b) of this section. The statement shall state that an applicant can apply to extend the deadline for filing the required information, and explain how to do so.
b. The statement also may include recommendations for additional information that, although not necessary to make the application fully complete, is recommended to address other issues that are or may be relevant to the review.
5. If the required information is not submitted by the date specified and the responsible official has not extended that date, within seven (7) calendar days after that date the responsible official shall take the action in subsection (5)(a), (5(b) or (5)(c) of this section. If the required information is submitted by the date specified, then within fourteen (14) calendar days the responsible official shall decide whether the application is fully complete and, if not, the responsible official shall:
a. Reject and return the application and scheduled fees and mail to the applicant a written statement which lists the remaining additional information needed to make the application fully complete; or
b. Issue a decision denying the application, based on a lack of information; provided, the responsible official may allow the applicant to restart the fully complete review process a second time by providing the required missing information by a date specified by the responsible official, in which case the responsible official shall retain the application and fee pending expiration of that date or a fully complete review of the application as amended by that date.
6. If the responsible official decides an application is fully complete, then the responsible official shall, within fourteen (14) calendar days of making this determination:
a. Forward the application to the county staff responsible for processing it;
b. Send a written notice of receipt of a complete application to the applicant acknowledging acceptance, listing the name and telephone number of a contact person for the responsible official, and describing the expected review schedule;
c. Prepare a public notice in accordance with Section 40.510.020(E).
7. An application shall be determined fully complete if a written determination has not been mailed to the applicant within twenty-eight (28) calendar days of the date the application is submitted. An application shall be determined fully complete if a written determination has not been mailed to the applicant within fourteen (14) calendar days of the date that the necessary additional information is submitted.
8. A fully complete determination shall not preclude the county from requesting additional information, studies or changes to submitted information or plans if new information is required or substantial changes to the proposed action occur.

D. Procedure.
1. Within fourteen (14) calendar days after the date an application is accepted as fully complete, the responsible official for the application shall issue a public notice of the application pending review consistent with the requirements of Section 40.510.020(E).
2. The responsible official shall mail to the applicant a copy of comments timely received in response to the notice together with a statement that the applicant may respond to the comments within fourteen (14) calendar days from the date the comments are mailed. The responsible official shall consider the comments timely received in response to the notice and timely responses by the applicant to those comments. The responsible official may consider comments and responses received after the deadline for filing.
3. A decision shall be made within the timelines specified by Section 40.510.020(F), and shall include:
    a. A statement of the applicable criteria and standards in this code and other applicable law;
    b. A statement of the facts that the responsible official found showed the application does or does not comply with each applicable approval criterion and assurance of compliance with applicable standards;
    c. The reasons for a conclusion to approve or deny; and
    d. The decision to deny or approve the application and, if approved, conditions of approval necessary to ensure the proposed development will comply with applicable law.
4. Within seven (7) calendar days of the decision, the responsible official shall mail a notice of decision to the applicant and applicant's representative, the neighborhood association in whose area the property in question is situated, and all parties of record regarding the application. The mailing shall include a notice which includes the following information:
    a. A statement that the decision and SEPA determination are final, but may be appealed as provided in Section 40.510.020(H) to the hearings examiner within fourteen (14) calendar days after the notice of decision. The appeal closing date shall be listed in boldface type. The statement shall describe how a party may appeal the decision or SEPA determination or both, including applicable fees and the elements of an appeal statement; and
    b. A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for review. The notice shall list the place, days and times where the case file is available and the name and telephone number of the county representative to contact about reviewing the case file.
5. Notice of agricultural, forest or mineral resource activities.
    a. All plats, building permits or development approvals under this title issued for residential development activities on, or within a radius of 500 feet for lands zoned agriculture-wildlife (AG-WL), agriculture (AG-20), forest (FR-40, FR-80), or surface mining (S), or in current use pursuant to RCW 84.34, shall contain or be accompanied by a notice provided by the responsible official. Such notice shall include the following disclosure:

        The subject property is within or near designated agricultural land, forest land or mineral resource land (as applicable) on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.

    b. In the case of plats, short plats or recorded binding site plans, such notice shall also be recorded separately with the County Auditor.

E. Public notice.
1. The notice of the application shall include the following information, to the extent known.
    a. The project name, the case file number(s), date of application, the date of the application was determined fully complete, and the date of the notice of fully complete application;
    b. A description of the proposed project and a list of project permits included with the application;
    c. A statement of the public comment period, that the public has the right to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any

appeal rights. A statement shall indicate that written comments received by the county within fifteen (15) calendar days from the date of the notice will be considered;

d. The deadline for submitting a SEPA appeal pursuant to Section 40.570.080(D);
e. A statement of the preliminary SEPA determination, if one has been made;
f. A list of applicable development regulations;
g. The name of the applicant or applicant's representative and the name, address and telephone number of a contact person for the applicant, if any;
h. A description of the site, including current zoning and nearest road intersections, reasonably sufficient to inform the reader of its location and zoning;
i. A map showing the subject property in relation to other properties or a reduced copy of the site plan;
j. The date, place and times where information about the application may be examined and the name and telephone number of the county representative to contact about the application; and
k. Any additional information determined appropriate by the county.

2. Distribution.
   a. The responsible official shall mail a copy of the notice to:
      (1) The applicant and the applicant's representative;
      (2) The neighborhood association in whose area the property in question is situated, based on the list of neighborhood associations kept by the responsible official and known interest groups;
      (3) Owners of property within a radius of three hundred (300) feet of the property that is the subject of the application if the subject property is inside the urban growth boundary or to owners or property within a radius of five hundred (500) feet of the property if the subject property is outside the urban growth boundary;
         (a) The records of the County Assessor shall be used for determining the property owner of record. The failure of a property owner to receive notice shall not affect the decision if the notice was sent. A sworn certificate of mailing executed by the person who did the mailing shall be evidence that notice was mailed to parties listed or referenced in the certificate, and
         (b) If the applicant owns property adjoining the property that is the subject of the application, then notice shall be mailed to owners of property within a three hundred- (300) or five hundred- (500) foot radius, as provided in this subdivision, of the edge of the property owned by the applicant adjoining the property that is the subject of the application;
      (4) Agencies with jurisdiction; and
      (5) To other people the responsible official believes may be affected by the proposed action or who request such notice in writing.

F. Decision timelines. Not more than seventy-eight (78) calendar days after the date an application is determined fully complete, the responsible official shall issue a written decision regarding the application(s); provided:
   1. If a determination of significance (DS) is issued, then the responsible official shall issue a decision not sooner than seven (7) calendar days after a final environmental impact statement is issued.
   2. An applicant may request in writing to extend the time in which the responsible official shall issue a decision. If the responsible official grants such a request, the responsible official may consider new evidence the applicant introduces with or subsequent to the request.
   3. In determining the number of days that have elapsed after the county has notified the applicant that the application is fully complete, the following periods shall be excluded:
      a. Any period during which the applicant has been requested by the county to correct plans, perform required studies, or provide additional required information. The responsible official shall specify a time period based on the complexity of the required information in which the required information must be submitted. The period shall be calculated from the date the county notifies the applicant of the need for additional information until the earlier of the date the county determines whether the additional information satisfies the request for information or fourteen (14) calendar days after the date the information has been provided to the county.
      b. If the county determines that the information submitted by the applicant under subsection (F)(3)(a) of this section is insufficient, it shall notify the applicant of the deficiencies and the procedures under subsection (F)(3)(a) of this section shall apply as if a new request for studies had been made.
      c. Any period of time during which an environmental impact statement is being prepared, provided, that the maximum time allowed to prepare an environmental impact statement shall be one (1) year from

the issuance of the determination of significance unless the responsible official and applicant have otherwise agreed in writing to a longer period of time. If no mutual written agreement is completed, then the application shall become null and void after the one- (1) year period unless the responsible official determines that delay in completion is due to factors beyond the control of the applicant.

G. Vesting.
1. Type II applications shall be considered under the development regulations in effect at the time a fully complete application for preliminary approval is filed.
2. Contingent vesting. An application which is subject to pre-application review shall earlier contingently vest on the date a fully complete pre-application is submitted. This vesting shall become final if a fully complete application for substantially the same proposal is submitted within one hundred eighty (180) calendar days of the date the responsible official issues its written summary of pre-application review subject to the limitations of Section 40.510.020(A)(4).
3. Special rules apply to certain nonconforming uses under Section 40.530.050.
4. For concurrency approval requirements, see Section 40.350.020.

H. Appeal Procedure.
1. A final decision may be appealed only by a party of record. Final decisions may be appealed if, within fourteen (14) calendar days after written notice of the decision is mailed, a written appeal is filed with the responsible official.
2. The appeal shall contain the following information.
   a. The case number designated by the county and the name of the applicant;
   b. The name and signature of each petitioner and a statement showing that each petitioner is entitled to file the appeal under subsection (H)(1) of this section. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative for all contact with responsible official. All contact with the responsible official regarding the petition, including notice, shall be with this contact representative;
   c. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error; and
   d. The appeal fee adopted by the board; provided, the scheduled fee shall be refunded if the applicant files with the responsible official at least fifteen (15) calendar days before the appeal hearing a written statement withdrawing the appeal.
3. The hearings examiner shall hear appeals in a de novo hearing. Notice of an appeal hearing shall be mailed to parties of record, but shall not be posted or published. A staff report shall be prepared, a hearing shall be conducted, and a decision shall be made and noticed. The decision can be appealed under a Type III process.

40.510.030 TYPE III PROCESS – QUASI-JUDICIAL DECISIONS

A. Pre-application Review.
1. The purposes of pre-application review are:
   a. To acquaint county staff with a sufficient level of detail about the proposed development to enable staff to advise the applicant accordingly;
   b. To acquaint the applicant with the applicable requirements of this code and other law. However, the conference is not intended to provide an exhaustive review of all the potential issues that a given application could raise. The pre-application review does not prevent the county from applying all relevant laws to the application; and
   c. To provide an opportunity for other agency staff and the public to be acquainted with the proposed application and applicable law. Although members of the public can attend a pre-application conference, it is not a public hearing, and there is no obligation to receive public testimony or evidence.
2. Pre-application review is required for applications, with the following exceptions:
   a. The application is for a Post-Decision Review, as described in Section 40.520.060; or
   b. The applicant applies for and is granted a pre-application waiver from the responsible official. The form shall state that waiver of pre-application review increases the risk the application will be rejected

or processing will be delayed. Pre-application review generally should be waived by the responsible official only if the application is relatively simple. The decision to waive a pre-application can be appealed as a Type I decision.

3. To initiate pre-application review, an applicant shall submit a completed form provided by the responsible official for that purpose, the required fee, and all information required by the relevant section(s) of this code. The applicant shall provide the required number of copies of all information as determined by the responsible official.
4. Information not provided on the form shall be provided on the face of the preliminary plat, in an environmental checklist or on other attachments. The responsible official may modify requirements for pre-application materials and may conduct a pre-application review with less than all of the required information. However, failure to provide all of the required information may prevent the responsible official from identifying all applicable issues or providing the most effective pre-application review and will preclude contingent vesting under Section 40.510.030(G). Review for completeness will not be conducted by staff at the time of submittal and it is the responsibility of the applicant.
5. Within fifteen (15) calendar days after receipt of an application for pre-application review, the responsible official shall mail written notice to the applicant and to other interested agencies and parties, including the neighborhood association in whose area the property in question is situated. The notice shall state the date, time and location of the pre-application conference, the purposes of pre-application review, and the nature of the conference.
6. The responsible official shall coordinate the involvement of agency staff responsible for planning, development review, roads, drainage, parks and other subjects, as appropriate, in the pre-application review process. Relevant staff shall attend the pre-application conference or shall take other steps to fulfill the purposes of pre-application review.
7. The pre-application conference shall be scheduled at least five (5) calendar days after the notice is mailed but not more than twenty-eight (28) calendar days after the responsible official accepts the application for pre-application review. The responsible official shall reschedule the conference and give new notice if the applicant or applicant's representative cannot or does not attend the conference when scheduled.
8. Within seven (7) calendar days after the date of the pre-application conference, the responsible official shall mail to the applicant and to other parties who sign a register provided for such purpose at the pre-application conference or who otherwise request it in writing, a written summary of the pre-application review. The written summary generally shall do the following to the extent possible given the information provided by the applicant:
    a. Summarize the proposed application(s);
    b. Identify the relevant approval criteria and development standards in this code or other applicable law and exceptions, adjustments or other variations from applicable criteria or standards that may be necessary;
    c. Evaluate information the applicant offered to comply with the relevant criteria and standards, and identify specific additional information that is needed to respond to the relevant criteria and standards or is recommended to respond to other issues;
    d. Identify applicable application fees in effect at the time, with a disclaimer that fees may change;
    e. Identify information relevant to the application that may be in the possession of the county or other agencies of which the county is aware, such as:
        (1) Comprehensive plan map designation and zoning on and in the vicinity of the property subject to the application;
        (2) Physical development limitations, such as steep or unstable slopes, wetlands, well head protection areas, or water bodies, that exist on and in the vicinity of the property subject to the application;
        (3) Those public facilities that will serve the property subject to the application, including fire services, roads, storm drainage, and, if residential, parks and schools, and relevant service considerations, such as minimum access and fire flow requirements or other minimum service levels and impact fees; and
        (4) Other applications that have been approved or are being considered for land in the vicinity of the property subject to the proposed application that may affect or be affected by the proposed application.
    f. Where applicable, indicate whether the pre-application submittal was complete so as to trigger contingent vesting under Section 40.510.030(G).

9. An applicant may submit a written request for a second pre-application conference within one (1) calendar year after an initial pre-application conference. There is no additional fee for a second conference if the proposed development is substantially similar to the one reviewed in the first pre-application conference or if it reflects changes based on information received at the first pre-application conference. A request for a second pre-application conference shall be subject to the same procedure as the request for the initial pre-application conference.
10. A request for or waiver of a pre-application review for a given development shall be filed unless the applicant submits a fully complete application that the responsible official finds is substantially similar to the subject of a pre-application review within one (1) calendar year after the last pre-application conference or after approval of waiver of pre-application review.

B. Review for counter complete status.
1. Before accepting an application for review for fully complete status, and unless otherwise expressly provided by code, the responsible official shall determine the application is counter complete.
2. The responsible official shall decide whether an application is counter complete when the application is accepted, typically "over the counter".
3. An application is counter complete if the responsible official finds that the application purports and appears to include the information required by Section 40.510.030(C)(3); provided, no effort shall be made to evaluate the substantive adequacy of the information in the application in the counter complete review process. Required information which has been waived by the responsible official shall be replaced by a determination from the responsible official granting the waiver.
4. If the responsible official decides the application is counter complete, then the application shall be accepted for review for fully complete status.
5. If the responsible official decides the application is not counter complete, then the responsible official shall immediately reject and return the application and identify what is needed to make the application counter complete.

C. Review for fully complete status.
1. Before accepting an application for processing, the responsible official shall determine that the application is fully complete.
2. The responsible official shall decide whether an application is fully complete subject to the following:
   a. Within twenty-one (21) calendar days after the responsible official determines the application is counter complete; or
   b. Within fourteen (14) calendar days after an application has been resubmitted to the county after the application has been returned to the applicant as being incomplete.
3. An application is fully complete if it includes all the required materials specified in the submittal requirements for the specific development review application being applied for and additional materials specified in the pre-application conference. If submittal requirements are not specified in the applicable code sections the application is fully complete if it includes the following:
   a. A completed original application form signed by the owner(s) of the property subject to the application or by a representative authorized to do so by written instrument executed by the owner(s) and filed with the application;
   b. A written narrative that addresses the following:
      (1) How the application meets or exceeds each of the applicable approval criteria and standards; and
      (2) How the issues identified in the pre-application conference have been addressed, and generally, how services will be provided to the site;
   c. A current County Assessor map(s) showing the property(ies) within a radius of the subject site as required in Sections 40.510.030(E);
   d. A legal description supplied by the Clark County survey records division, a title company, surveyor licensed in the state of Washington, or other party approved by the responsible official, and current County Assessor map(s) showing the property(ies) subject to the application;
   e. Unless the responsible official has waived the pre-application conference, a copy of the pre-application conference summary, and information required by the pre-application conference summary, unless not timely prepared as required by Section 40.510.030(A)(7);
   f. A preliminary site plan or plat that shows existing conditions and proposed improvements.

g. The applicable fee(s) adopted by the board for the application(s) in question;
h. Any applicable SEPA document, typewritten or in ink and signed.

4. An application shall include all of the information listed as application requirements in the relevant sections of this code.
   a. The responsible official may waive application requirements that are clearly not necessary to show an application complies with relevant criteria and standards and may modify application requirements based on the nature of the proposed application, development, site or other factors. Requests for waivers shall be reviewed as a Type I process before applications are submitted for counter complete review or the application must contain all the required information,
   b. The decision about the fully complete status of an application, including any required engineering, traffic or other studies, shall be based on the criteria for completeness and methodology set forth in this code or in implementing measures timely adopted by the responsible official and shall not be based on differences of opinion as to quality or accuracy;
5. If the responsible official decides an application is not fully complete, then, within the time provided in subsection (C)(2) of this section, the responsible official shall send the applicant a written statement indicating that the application is incomplete based on a lack of information and listing what is required to make the application fully complete.
   a. The statement shall specify a date by which the required missing information must be provided to restart the fully complete review process pursuant to subsection (C)(2)(b) of this section. The statement shall state that an applicant can apply to extend the deadline for filing the required information, and explain how to do so.
   b. The statement also may include recommendations for additional information that, although not necessary to make the application fully complete, is recommended to address other issues that are or may be relevant to the review.
6. If the required information is not submitted by the date specified and the responsible official has not extended that date, within seven (7) calendar days after that date the responsible official shall take the action in subsection (C)(6)(a), (C)(6)(b) or (C)(6)(c) of this section. If the required information is submitted by the date specified, then within fourteen (14) calendar days the responsible official shall decide whether the application is fully complete and, if not, the responsible official shall:
   a. Reject and return the application and scheduled fees and mail to the applicant a written statement which lists the remaining additional information needed to make the application fully complete; or
   b. Issue a decision denying the application, based on a lack of information; provided, the responsible official may allow the applicant to restart the fully complete review process a second time by providing the required missing information by a date specified by the responsible official, in which case the responsible official shall retain the application and fee pending expiration of that date or a fully complete review of the application as amended by that date.
7. If the responsible official decides an application is fully complete, then the responsible official shall, within fourteen (14) calendar days of making this determination:
   a. Forward the application to the county staff responsible for processing it, and schedule public hearing;
   b. Send a written notice of receipt of a complete application to the applicant acknowledging acceptance, listing the name and telephone number of a contact person at the review authority, and describing the expected review schedule, including the date of a hearing for a Type III process;
   c. Prepare a public notice in accordance with Section 40.510.030(E).
8. An application shall be determined fully complete if a written determination has not been mailed to the applicant within twenty-eight (28) calendar days of the date the application is submitted. An application shall be determined fully complete if a written determination has not been mailed to the applicant within fourteen (14) calendar days of the date that the necessary additional information is submitted.
9. A fully complete determination shall not preclude the county from requesting additional information, studies or changes to submitted information or plans if new information is required or substantial changes to the proposed action occur.

D. Procedure.
1. At least one public hearing before the hearings examiner is required. The public hearing should be held within seventy-eight (78) calendar days after the date the responsible official issues the determination that the application is fully complete.

2. At least fifteen (15) calendar days before the date of a hearing, the responsible official shall issue a public notice of the hearing consistent with the requirements in Section 40.510.030(E).
3. At least fifteen (15) calendar days before the date of the hearing for an application(s), the responsible official shall issue a written staff report and recommendation regarding the application(s), shall make available to the public a copy of the staff report for review and inspection, and shall mail a copy of the staff report and recommendation without charge to the hearings examiner and to the applicant and applicant's representative. The responsible official shall mail or provide a copy of the staff report at reasonable charge to other parties who request it.
4. Public hearings shall be conducted in accordance with the rules of procedure adopted by the hearings examiner, except to the extent waived by the hearings examiner. A public hearing shall be recorded electronically.
    a. At the beginning of a hearing or agenda of hearings, the hearings examiner shall:
        (1) State that testimony will be received only if it is relevant to the applicable approval criteria and development standards and is not unduly repetitious;
        (2) Identify the applicable approval criteria and development standards;
        (3) State that the hearings examiner will consider any party's request that the hearing be continued or that the record be kept open for a period of time and may grant or deny that request;
        (4) State that the hearings examiner must be impartial and whether the hearings examiner has had any ex parte contact or has any personal or business interest in the application. The hearings examiner shall afford parties an opportunity to challenge the impartiality of the authority;
        (5) State whether the hearings examiner has visited the site;
        (6) State that persons who want to receive notice of the decision may sign a list for that purpose at the hearing and where that list is kept; and
        (7) Summarize the conduct of the hearing.
    b. At the conclusion of the hearing on each application, the hearings examiner shall announce one of the following actions:
        (1) That the hearing is continued. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be mailed, published or posted. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it was the initial hearing. The hearings examiner shall adopt guidelines for reviewing requests for continuances;
        (2) That the public record is held open to a date and time certain. The hearings examiner shall state where additional written evidence and testimony can be sent, and shall announce any limits on the nature of the evidence that will be received after the hearing. The hearings examiner may adopt guidelines for reviewing requests to hold open the record;
        (3) That the application(s) is/are taken under advisement, and a final order will be issued as provided in subsection (D)(6) of this section; or
        (4) That the application(s) is/are denied, approved or approved with conditions, together with a brief summary of the basis for the decision, and that a final order will be issued as provided in subsection (D)(5) of this section.
5. Unless the applicant agrees to allow more time, within fourteen (14) calendar days after the date the record closes, the hearings examiner shall issue a written decision regarding the application(s); provided, the hearings examiner shall not issue a written decision regarding the application(s) until at least fifteen (15) calendar days after the threshold determination under Chapter 40.570 is made. The decision shall include:
    a. A statement of the applicable criteria and standards in this code and other applicable law;
    b. A statement of the facts that the hearings examiner found showed the application does or does not comply with each applicable approval criterion and standards;
    c. The reasons for a conclusion to approve or deny; and
    d. The decision to deny or approve the application and, if approved, any conditions of approval necessary to ensure the proposed development will comply with applicable criteria and standards.
6. Within seven (7) calendar days from the date of the decision, the responsible official shall mail the notice of decision to the applicant and applicant's representative, the neighborhood association in whose area the property in question is situated, and all parties of record. The mailing shall include a notice which includes the following information:

a. A statement that the decision and SEPA determination, if applicable, are final, but may be appealed as provided in Section 40.510.030(H) to the board within fourteen (14) calendar days after the date the notice is mailed. The appeal closing date shall be listed in boldface type. The statement shall describe how a party may appeal the decision or SEPA determination, or both, including applicable fees and the elements of a petition for review;
b. A statement that the complete case file is available for review. The statement shall list the place, days and times where the case file is available and the name and telephone number of the county representative to contact for information about the case.

7. Notice of agricultural, forest or mineral resource activities.
   a. All plats, building permits or development approvals under this title issued for residential development activities on, or within a radius of 500 feet for lands zoned agriculture-wildlife (AG-WL), agriculture (AG-20), forest (FR-40, FR-80), or surface mining (S), or in current use pursuant to RCW 84.34, shall contain or be accompanied by a notice provided by the responsible official. Such notice shall include the following disclosure:

      The subject property is within or near designated agricultural land, forest land or mineral resource land (as applicable) on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.

   b. In the case of plats, short plats or recorded binding site plans, such notice shall also be recorded separately with the County Auditor.

E. Public notice.
1. The notice of the application shall include the following information, to the extent known.
   a. The project name, the case file number(s), date of application, the date of the application was determined fully complete, and the date of the notice of fully complete application;
   b. A description of the proposed project and a list of project permits included with the application;
   c. A description of the site, including current zoning and nearest road intersections, reasonably sufficient to inform the reader of its location and zoning;
   d. A map showing the subject property in relation to other properties or a reduced copy of the site plan;
   e. The name of the applicant or applicant's representative and the name, address and telephone number of a contact person for the applicant, if any;
   f. A list of applicable development regulations;
   g. A statement of the public comment period, that the public has the right to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. A statement shall indicate that written comments received by the county within fifteen (15) calendar days from the date of the notice will be considered by staff in their recommendations;
   h. The date, time, place and type of hearing;
   i. A statement of the preliminary SEPA determination, if one has been made;-
   j. A statement that a consolidated staff report and SEPA review will be available for inspection at least fifteen (15) calendar days before the public hearing, and the deadline for submitting written comments;
   k. The deadline for submitting a SEPA appeal pursuant to Section 40.570.080(D);
   l. The date, place and times where information about the application may be examined and the name and telephone number of the county representative to contact about the application;
   m. The designation of the hearings examiner as the review authority, and a statement that the hearing will be conducted in accordance with the rules of procedure adopted by the hearings examiner; and
   n. Any additional information determined appropriate by the county.
2. Where the notice of application under subsection (E)(1) of this section is incomplete, a separate notice of public hearing shall be provided which is consistent with subsection (E)(3) of this section.

3. Distribution.
    a. The responsible official shall mail a copy of the notice to:
        (1) The applicant and the applicant's representative;
        (2) The neighborhood association in whose area the property in question is situated, based on the list of neighborhood associations kept by the responsible official;
        (3) Owners of property within a radius of three hundred- (300) feet of the property that is the subject of the application if the subject property is inside the urban growth boundary or to owners or property within a radius of five hundred- (500) feet of the property if the subject property is outside the urban growth boundary;
            (a) The records of the County Assessor shall be used for determining the property owner of record. The failure of a property owner to receive notice shall not affect the decision if the notice was sent. A sworn certificate of mailing executed by the person who did the mailing shall be evidence that notice was mailed to parties listed or referenced in the certificate, and
            (b) If the applicant owns property adjoining the property that is the subject of the application, then notice shall be mailed to owners of property within a three hundred- (300) or five hundred- (500) foot radius, as provided in this subdivision, of the edge of the property owned by the applicant adjoining or contiguous to the property that is the subject of the application;
        (4) Agencies with jurisdiction; and
        (5) To known interest groups and other people the responsible official believes may be affected by the proposed action or who request such notice in writing.
    b. The county shall publish in a newspaper of general circulation a summary of the notice, including the date, time and place of the hearing, the nature and location of the proposal and instructions for obtaining further information.
    c. The county shall post the notice in a conspicuous place visible to the public in at least three (3) locations on or in the vicinity of the property subject to the application at least fifteen (15) calendar days before the hearing, and the applicant shall remove and properly dispose of the notices within seven (7) calendar days after the hearing.
        (1) The notice shall be posted on a signboard provided by the responsible official for that purpose. The signboard shall state the date, time and place of the hearing; the project name; the case number(s); the nature and location of the proposal and instructions for obtaining further information and, if one is provided, the telephone number where the applicant can be contacted for more information.
        (2) The responsible official shall execute an affidavit certifying where and when the notices were posted.

F. Decision timelines. Not more than ninety-two (92) days after the date an application is determined fully complete, the hearings examiner shall issue a written decision regarding the application(s); provided:
    1. If a determination of significance (DS) pursuant to Chapter 40.570 is issued, then the hearings examiner shall issue a decision not sooner than seven (7) calendar days after a final environmental impact statement is issued.
    2. An applicant may agree in writing to extend the time in which the hearings examiner shall issue a decision. If the hearings examiner grants such a request, the hearings examiner may consider new evidence the applicant introduces with or subsequent to the request. New evidence may not be considered unless the time extension would allow for public review and response to the new evidence.
    3. In determining the number of days that have elapsed after the county has notified the applicant that the application is fully complete, the following periods shall be excluded:
        a. Any period during which the applicant has been requested by the county to correct plans, perform required studies, or provide additional required information. The responsible official shall specify a time period based on the complexity of the required information in which the required information must be submitted. The period shall be calculated from the date the county notifies the applicant of the need for additional information until the earlier of the date the county determines whether the additional information satisfies the request for information or fourteen (14) calendar days after the date the information has been provided to the county.

b. If the county determines that the information submitted by the applicant under subsection (F)(3)(A) of this section is insufficient, it shall notify the applicant of the deficiencies and the procedures under subsection (F)(3)(A) of this section shall apply as if a new request for studies had been made.
c. Any period of time during which an environmental impact statement (EIS) is being prepared; provided, that the maximum time allowed to prepare an EIS shall not exceed one (1) year from the issuance of the determination of significance unless the responsible official and applicant have otherwise agreed in writing to a longer period of time. If no mutual written agreement is completed, then the application shall become null and void after the one- (1) year period unless the responsible official determines that delay in completion is due to factors beyond the control of the applicant.

G. Vesting.
1. Type III applications (other than zone change proposals) shall be considered under the land development regulations in effect at the time a fully complete application for preliminary approval is filed.
2. Contingent vesting. An application which is subject to pre-application review shall earlier contingently vest on the date a complete pre-application is submitted. Contingent vesting shall become final if a fully complete application for substantially the same proposal is submitted within one-hundred eighty (180) calendar days of the date the responsible official issues its written summary of pre-application review subject to the limitations of Section 40.510.030(A)(4).
3. Special rules apply to approved planned unit developments under Section 40.520.080 and certain nonconforming uses under Section 40.530.050.
4. For concurrency approval requirements, see Section 40.350.020.

H. Appeal procedure.
1. A final decision may be appealed only by a party of record. Final decisions may be appealed only if, within fourteen (14) calendar days after written notice of the decision is mailed, a written appeal is filed with the board.
2. The appeal shall contain the following information:
a. The case number designated by the county and the name of the applicant;
b. The name and signature of each petitioner and a statement showing that each petitioner is entitled to file the appeal under subsection (H)(1) of this section. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative for all contact with the responsible official. All contact with the responsible official regarding the petition, including notice, shall be with this contact representative;
c. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error. A hearing examiner's procedural SEPA decision is final and not subject to further administrative appeal. If the petitioner wants to introduce new evidence in support of the appeal, the written appeal also must explain why such evidence should be considered, based on the criteria in subsection (H)(3)(b) of this section; and
d. The appeal fee adopted by the board; provided, the fee shall be refunded if the appellant files with the responsible official at least fifteen (15) calendar days before the appeal hearing a written statement withdrawing the appeal.
3. The board shall hear appeals of Type III decisions on the record, including all materials received in evidence at any previous stage of the review, an electronic recording of the prior hearing(s) or transcript of the hearing(s) certified as accurate and complete, the final order being appealed, and argument by the parties.
a. The board's consideration of an appeal shall be scheduled as provided for in CCC Chapter 2.51. The board may either decide the appeal at the designated meeting or continue the matter to a limited hearing for receipt of oral argument. If so continued, the board shall:
(1) Designate the parties or their representatives to present argument, and the permissible length thereof, in a manner calculated to afford a fair hearing of the issues specified by the board; and
(2) At least fifteen (15) calendar days before such hearing, provide mailed notice thereof to parties entitled to notice of the decision being appealed under Section 40.510.030(D)(6), which notice shall indicate that only legal argument from designated parties will be heard.

b. At the conclusion of its public meeting or limited hearing for receipt of oral legal argument, the board may affirm, reverse, modify or remand an appealed decision.
   (1) A decision to remand a matter is not appealable. Appeal from a decision on remand shall be treated as any other decision.
   (2) If the board affirms an appealed decision, then the board shall adopt a final order that contains the conclusions the board reached regarding the specific grounds for appeal and the reasons for those conclusions. The board may adopt the decision of the hearings examiner as its decision to the extent that decision addresses the merits of the appeal or may alter that decision.
   (3) If the board reverses or modifies an appealed decision, then the board shall adopt a final order that contains:
      (a) A statement of the applicable criteria and standards in this code and other applicable law relevant to the appeal;
      (b) A statement of the facts that the board finds show the appealed decision does not comply with applicable approval criteria or development standards;
      (c) The reasons for a conclusion to modify or reverse the decision; and
      (d) The decision to modify or reverse the decision and, if approved, any conditions of approval necessary to ensure the proposed development will comply with applicable criteria and standards.

c. The board office shall mail notice of a board's decision on the merits of an appeal to parties entitled to notice under Section 40.510.030(D)(6) and other parties who appeared orally or in writing before the board regarding the appeal. The notice shall consist of the board decision or of a statement identifying the case by number and applicant's name and summarizing the board's decision. The notice shall include a statement that the decision can be appealed to superior court within twenty-one (21) calendar days and, where applicable, shall comply with the official notice provisions of RCW 43.21C.075.

4. Appeal of board's decision. The action of the board in approving or rejecting a decision of the hearings examiner shall be final and conclusive unless a land use petition is timely filed in Superior Court pursuant to RCW 36.70C.040 (Section 705 of Chapter 347, Laws of 1995); provided, that no person having actual prior notice of the proceedings of the hearings examiner or the board's hearings shall have standing to challenge the board's action unless such person was a party of record at the hearings examiner hearing.

I. Special appeal procedure applicable to uses licensed or certified by the Department of Social and Health Services or the Department of Corrections.
   1. In accordance with RCW 35.63.260 (Section 1, Chapter 119, Laws of 1998), prior to the filing of an appeal of a final decision by a hearing examiner involving a conditional use permit application requested by a party that is licensed or certified by the department of social and health services or the department of corrections, the aggrieved party must, within five days after the final decision, initiate formal mediation procedures in an attempt to resolve the parties' differences. If, after initial evaluation of the dispute, the parties agree to proceed with mediation, the mediation shall be conducted by a trained mediator selected by agreement of the parties. The agreement to mediate shall be in writing and subject to RCW 5.60.707. If the parties are unable to agree on a mediator, each party shall nominate a mediator and the mediator shall be selected by lot from among the nominees. The mediator must be selected within five days after formal mediation procedures are initiated. The mediation process must be completed within fourteen days from the time the mediator is selected except that the mediation process may extend beyond fourteen days by agreement of the parties. The mediator shall, within the fourteen-day period or within the extension if an extension is agreed to provide the parties with a written summary of the issues and any agreements reached. If the parties agree, the mediation report shall be made available to the county. The cost of the mediation shall be shared by the parties.
   2. Any time limits for filing of appeals are tolled during the pendency of the mediation process.
   3. As used in this section, "party" does not include county, city or town.

40.510.040 TYPE IV PROCESS – LEGISLATIVE DECISIONS

A. Procedure. A Type IV procedure may require one or more hearings before the planning commission and does require one or more hearings before the board.

B. Public Notice. At least fifteen (15) calendar days before the date of the first planning commission hearing for an application subject to Type IV review, the responsible official shall:
   1. Prepare a notice of application that includes the following information:
      a. The case file number(s);
      b. A description and map of the area that will be affected by the application, if approved, which is reasonably sufficient to inform the reader of its location;
      c. A summary of the proposed application(s);
      d. The place, days and times where information about the application may be examined and the name and telephone number of the county representative to contact about the application;
      e. A statement that the notice is intended to inform potentially interested parties about the hearing and to invite interested parties to appear orally or by written statement at the hearing;
      f. The designation of the review authority, the date, time and place of the hearing, and a statement that the hearing will be conducted in accordance with the rules of procedure adopted by the review authority;
      g. A statement that a staff report and, whenever possible, a consolidated SEPA review or integrated growth management document, will be available for inspection at no cost at least fifteen (15) calendar days before the hearing and will be provided at reasonable cost; and
      h. A general explanation of the requirements for submission of testimony and the procedure for the conduct of hearings.
   2. Mail a copy of a notice prepared under subsection (B)(1) of this section to:
      a. Parties who request notice of such matters;
      b. The neighborhood association in whose area the property in question is situated, based on the list of county recognized neighborhood associations kept by the responsible official; and
      c. To other people the responsible official believes may be affected by the proposed action;
   3. Publish in a newspaper of general circulation a summary of the notice, including the date, time and place of the hearing and a summary of the subject of the Type IV process; and
   4. Provide other notice deemed appropriate and necessary by the responsible official based on the subject of the Type IV process.

C. Staff Report. At least fifteen (15) calendar days before the date of the first hearing, the responsible official shall issue a written staff report, SEPA evaluation and recommendation regarding the application(s), shall make available to the public a copy of the staff report and consolidated SEPA evaluation for review and inspection, and shall mail a copy of the consolidated recommendation to the review authority. The responsible official shall mail or provide a copy of the staff report at reasonable charge to other parties who request it.

D. Public Hearings.
   1. Public hearings shall be conducted in accordance with the rules of procedure adopted by the review authority, except to the extent waived by the review authority. A public hearing shall be recorded electronically.
   2. At the conclusion of a planning commission hearing, the planning commission shall announce one of the following actions, which may not be appealed:
      a. That the hearing is continued. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be mailed, published or posted. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it was the initial hearing before the planning commission; or
      b. That the planning commission recommends against or in favor of approval of the application(s) with or without certain changes, or that the planning commission will recommend neither against nor for approval of the application(s), together with a brief summary of the basis for the recommendation.
   3. At least fifteen (15) calendar days before the date of the first board hearing, the responsible official shall:

a. Prepare a notice that includes the information listed in subsection (B)(1) of this section except the notice shall be modified as needed:
   (1) To reflect any changes made in the application(s) during the planning commission review,
   (2) To reflect that the board will conduct the hearing and the place, date and time of the board hearing, and
   (3) To state that the planning commission recommendation, staff report, and SEPA evaluation are available for inspection at no cost and copies will be provided at reasonable cost;
b. Mail a copy of that notice to the parties identified in subsection (B)(2) of this section and to parties who request it in writing;
c. Publish in a newspaper of general circulation a summary of the notice, including the date, time and place of the hearing and a summary of the subject of the Type IV process; and
d. Provide other notice deemed appropriate and necessary by the responsible official based on the subject of the Type IV process.

4. At the conclusion of its initial hearing, the board may continue the hearing or may adopt, modify or give no further consideration to the application or recommendations. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be provided. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it was the initial hearing before the board.

E. Appeal of board's decision. The action of the board in approving or rejecting a recommendation of the planning commission shall be final and conclusive unless a land use petition is timely filed in Superior Court pursuant to RCW 36.70C.040 (Section 705 of Chapter 347, Laws of 1995); provided, that no person having actual prior notice of the proceedings of the planning commission or the board's hearings shall have standing to challenge the board's action unless such person was a party of record at the planning commission hearing.

40.510.050 APPLICATION SUBMITTAL REQUIREMENTS

A. Applicability. Table 40.510.050-1 identifies information to be included with pre-applications and applications for all Type I, Type II and Type II applications, as follows:
1. Type I applications: Submittal items 1 and 2, and any additional materials required by the responsible official;
2. All Type II and Type III applications not listed in subsection (A)(3) below: Submittal items 1 through 6.
3. For applications for a conditional use, master plan, planned unit development (PUD), preliminary plat for a short plat, preliminary plat for a subdivision, and/or a site plan: All submittal items as applicable.

B. Submittal Copies.
1. Pre-applications.
   a. The following shall be submitted with the pre-application:
      (1) One (1) copy of the main submittal with original signatures; and
      (2) One (1) copy of any special studies (e.g., wetland, floodplain, etc).
   b. Reduced copies (11 inches by 17 inches in size) shall be included for all pre-application materials larger than 11 inches by 17 inches in size.
   c. Failure to provide any of the required information listed in Table 40.510.050-1 precludes contingent vesting pursuant to Sections 40.510.020(G) or 40.510.030(G).
2. Applications.
   a. The following shall be submitted with the application:
      (1) One (1) copy of the main submittal with original signatures bound by a jumbo clip or rubber band; and
      (2) One (1) copy of any special studies (e.g., wetland, floodplain, etc), and bound separately.
   b. Reduced copies (11 inches by 17 inches in size) shall be included for any application materials larger than 11 inches by 17 inches in size.
   c. When all required information is submitted with the original application, the applicant will be directed to submit five (5) additional individually bound copies of the main submittal, including copies of the "Developer's GIS Packet".

d. The applicant will also be directed to submit additional individually bound copies of any special studies as identified below. These copies must contain any revisions or additional information required in the Fully Complete review:
   (1) Archeological Pre-Determination Report, one (1) original and three (3) copies;
   (2) Archeological Study, one (1) original;
   (3) Traffic Study and Road Modification requests, one (1) original and three (3) copies;
   (4) Critical Aquifer Recharge Areas (CARA) floodplain, geo-hazard, habitat, shoreline, stormwater, erosion control plan, and wetland, if necessary, one (1) original and two (2) copies of all other special studies or permits;
   (5) Mining Permit Applications: a sixth copy of the main submittal package must be submitted for distribution to the Department of Natural Resources.

Table 40.510.050-1. Application Submittal Requirements for Type I, Type II and Type III Reviews

Submittal Item	Required for Pre-application	Required for Application
1. Application Form. The application form shall be completed and original signed in ink by the applicant.	**X**	**X**
2. Application Fee. The requisite fee shall accompany the application. The check is to be made payable to "Clark County Community Development".	**X**	**X**
3. Cover Sheet and Table of Contents. Each submittal packet shall contain a cover sheet that contains the project name and applicant's name, address, e-mail address, and phone number. A table of contents, tabs and/or dividers to provide assistance in locating the various requirements shall follow the cover sheet.		**X**
4. Pre-Application Conference Report. A copy of the "Pre-Application Conference Report" must be submitted.		**X**
5. Developer's GIS Packet Information. A copy of the "Developer's GIS Packet" shall be submitted with the application submittal. The packet includes the following: General Location Map, Property Information Fact Sheet, Arterial Roadway, C-Tran Bus Routes, Parks and Trails Map, Elevation Contours Map, Photography Map, Photography Map with Contours, Zoning Map, Comprehensive Plan Map, Water, Sewer and Storm Systems Map, Soil Type Map, Environmental Constraints Map, and Quarter Section Map.	**X**	**X**
6. Narrative. A written narrative shall be submitted that addresses the following: a. How the application meets or exceeds each of the applicable approval criteria and standards; and b. How the issues identified in the pre-application conference have been addressed, and generally, how services will be provided to the site.		**X**

Table 40.510.050-1. Application Submittal Requirements for Type I, Type II and Type III Reviews		
Submittal Item	**Required for Pre-application**	**Required for Application**
7. Legal Lot Determination Information. The preliminary site plan shall encompass the entire area of the legal lot(s) involved in the site plan and designate the proposed use (i.e., lots, tracts, easements, dedications) for all land contained within the plan and any boundary line adjustments to be completed prior to final site plan approval. In order to demonstrate that the subject lot(s) has been created legally, the following must be submitted: a. Current owner's deed if lot determination not required, as specified in the Pre-Application Conference Report, or one of the following: b. Prior County short plat, subdivision, lot determination or other written approvals, if any, in which the parcel was formally created or determined to be a legal lot; or, c. Sales or transfer deed history dating back to 1969, to include copies of recorded deeds and/or contracts verifying the date of creation of the parcel in chronological order with each deed identified with the Assessor's lot number.		**X**
8. Approved Preliminary Plats. A map shall be submitted that shows all approved preliminary land divisions (that are yet to be recorded) and site plans (that are not final), as listed within the pre-application conference summary, that abut the site (including across public and private streets from the site). Also include approved preliminary land divisions (that are yet to be recorded) and site plans (that are not final), that are between the site and nearest public or private street providing vehicular access to the site.		**X**
9. Proposed Development Plan. The proposed plan shall be drawn to a minimum engineer's scale of 1" = 200' on a sheet no larger than 24" x 36". The following information shall be clearly depicted on the proposed development plan:	**X**	**X**
a. General Information:	**X**	**X**
(1) Applicant's name, mailing address and phone number;	**X**	**X**
(2) Owner's name and mailing address;	**X**	**X**
(3) Contact person's name, mailing address, and phone number;		**X**
(4) North arrow (orientated to the top, left or right of page) scale and date;	**X**	**X**
(5) Proposed name of project (i.e., subdivision or business);		**X**
(6) Vicinity map covering ¼-mile radius from the development site (not required for rural area plans); and,		**X**
(7) Area of the site in acres or square feet.	**X**	**X**
b. Existing Conditions:	**X**	**X**
(1) Environmental (On and within one hundred (100) feet of the site. For purposes of being determined fully complete, only those existing conditions that are shown on the GIS map, known by the applicant or are discussed in the pre-application summary must be included on the proposed plan).	**X**	**X**
(a) Topography at two (2) foot contour intervals, or other intervals if not available from a public source (see GIS Packet);		**X**
(b) Watercourses (streams, rivers, etc.) (see GIS Packet);		**X**
(c) Center of stream surveyed for all on-site water- courses		**X**

Table 40.510.050-1. Application Submittal Requirements for Type I, Type II and Type III Reviews		
Submittal Item	**Required for Pre-application**	**Required for Application**
with Professional Land Surveyor Stamp and signature;		
(d) Areas prone to flooding;		**X**
(e) FEMA designated floodplains, flood fringe, or floodway (see GIS Packet);		**X**
(f) Designated Shoreline areas (see GIS Packet);		**X**
(g) Water bodies and known wetlands (see GIS Packet);		**X**
(h) Wetland delineation (see Pre-application Report) ;		**X**
(i) Unstable slopes and landslide hazard areas (see GIS Packet);		**X**
(j) Significant wildlife habitat or vegetation (see GIS Packet); and,		**X**
(k) Significant historic, cultural or archaeological resources (see GIS Packet and Pre-Application Report).		**X**
(2) Land Use and Transportation	**X**	**X**
(a) Layout, square footage and dimensions of all parcels;	**X**	**X**
(b) Location(s) of any existing building(s) on the site and use;	**X**	**X**
(c) Location and full width of existing easements for access, drainage, utilities, etc.;		**X**
(d) Name, location and full width of existing rights-of-way;		**X**
(e) Centerline and right-of-way radius of existing roadways that abut the site;		**X**
(f) Name, location, full width and surfacing materials (e.g., gravel, asphalt or concrete) of roadways and easements (private and public);		**X**
(g) Location of existing driveways and those driveway across the street to include distance between driveways and roadways (edge to edge);		**X**
(h) Location and width of existing pedestrian and bicycle facilities on and within 100 feet of the site; and,		**X**
(i) Transit routes and stops within 600 feet of the development site (see GIS Packet).		**X**
(3) Water and Sewer		**X**
(a) Location and direction to nearest fire hydrant (see GIS Packet);		**X**
(b) Location of existing sewage disposal systems and wells on the site; and,		**X**
(c) Location of existing sewage disposal systems and wells within 100 feet of the site (as available from the Health Department).		**X**
c. Proposed Improvements	**X**	**X**
(1) Environmental	**X**	**X**
(a) Wetland, stream, steep bank buffer areas/protected areas; and,	**X**	**X**
(b) Planned enhancement areas.		**X**
(2) Land Use and Transportation	**X**	**X**
(a) The configuration and dimensions of the project boundaries, proposed lots and tracts (for binding site plans), mobile home spaces (for mobile home parks),		**X**

Table 40.510.050-1. Application Submittal Requirements for Type I, Type II and Type III Reviews		
Submittal Item	**Required for Pre-application**	**Required for Application**
including proposed park, open space, and or drainage tracts or easements;		
(b) Dimensions of all proposed easements;		**X**
(c) Location (i.e., dimensions from property lines) of any existing buildings to remain on the site to include approximate square footage. For all structures, include the number of stories, construction type (e.g., metal, wood, concrete block, etc.) and proposed uses;		**X**
(d) Location and full width of all road rights-of-way;		**X**
(e) Pedestrian and transit facilities;		**X**
(f) Location and full width of proposed pedestrian and bicycle improvements other than those in standard locations within road rights-of-way;		**X**
(g) Location, full width (e.g., curb to curb distance) and surface material of all proposed roadways (private and public), provided by drawing or note and typical cross-section (from county road standards);		**X**
(h) Location of all road segments in excess of 15% grade that are either on the site or within 500 feet of the site which are being proposed for site access;		**X**
(i) Location, width and surface material of off-site roads which will provide access to the site within 500 feet of the site;		**X**
(j) Location and width of proposed driveways for corner lots and driveways where site distance standards cannot be met;		**X**
(k) Site distance triangles where site distance standards cannot be met;		**X**
(l) Location and width of proposed easements for access, drainage, utilities, etc. (provided by drawing or note); and,		**X**
(m) For CU, MP, PUD and Site Plan: (i) Layout of proposed structures including square feet; (ii) Architectural drawings and sketches indicating floor plan, elevations, types of materials and colors, and type of construction per the Uniform Building Code; (iii) Location, dimensions and number of off-street parking and loading areas; (iv) Location and dimensions of recyclables and solid waste storage areas.		**X**
(3) Landscaping- Landscape plan for urban area arterial and collector roadways and on site landscaped areas to include:		**X**
(a) Location, number, species, size at planting, and spacing of proposed plant material;		**X**
(b) Location, number, species and size of existing landscape material to be removed and/or retained;		**X**
(c) Location, type (such as sod, groundcover or shrub mass) and area (in terms of square fee and percentage of site) of all soft landscaped areas and buffers;		**X**
(d) Location, height and materials of fences, buffers, berms,		**X**

Table 40.510.050-1. Application Submittal Requirements for Type I, Type II and Type III Reviews		
Submittal Item	**Required for Pre-application**	**Required for Application**
walls and other methods of screening;		
(e) Surface water management features integrated with landscape, recreation or open space areas;		**X**
(f) Location, size and construction type of hard landscaping features such as pedestrian plazas; and,		**X**
(g) Active and passive recreational or open space features.		**X**
(4) Signs. For CU, MP, PUD and Site Plan, a sign plan shall be submitted that includes size, height, and location of all proposed signs.		**X**
(5) Lighting. For CU, MP, PUD and Site Plan, an outdoor lighting plan shall be submitted that shows the areas of illumination for each outdoor light.		**X**
10. Soil Analysis Report		**X**
11. Preliminary Stormwater Design Report		**X**
12. Proposed Stormwater Plan	**X**	**X**
13. Project Engineer Statement of Completeness and Feasibility. The project engineer shall include a statement that all information required by Subtitle 40.380, Stormwater and Erosion Control, is included in the preliminary stormwater plan and that the proposed stormwater facilities are feasible.		**X**
14. Proposed Phasing Plan (if Proposed). A phasing plan shall be submitted (if applicable), to include transportation and water quality improvements.		**X**
15. Traffic Study.		**X**
a. Depending on the impacts associated with the proposal, a traffic study may be required to be undertaken by an engineer licensed to practice within the State of Washington, with special training and experience in traffic engineering. If a traffic study is required, the County will provide a scope of the study at the pre-application conference.		**X**
b. Traffic study must be stamped, signed, and dated by a Professional Civil Engineer registered in the State of Washington; and,		**X**
c. Road Modification application, if applicable.		**X**
16. State Environmental Review. A State Environmental Policy Act (SEPA) Environmental Checklist must be completed; original signed in ink and submitted.		**X**
17. Sewer Purveyor Utility Review Letter. A utility review must be submitted from the public sewer purveyor, or one (1) copy of a preliminary soil suitability analysis, or equivalent, for on site systems from the Clark County Health Department. For existing septic systems, provide a copy of the original approval.		**X**
18. Water Purveyor Utility Review Letter. A utility review must be submitted from the public water purveyor, noting the ability to meet water pressure and fire flow requirements of the Fire Marshal (as specified within the "Pre-Application Conference Summary Report"). Or, provide current evidence of the availability of suitable groundwater where the water purveyor has determined public water or community water systems cannot be provided.		**X**
19. Clark County Health Department Development Review Evaluation Letter. A Development Review Evaluation letter from the Clark		**X**

Table 40.510.050-1. Application Submittal Requirements for Type I, Type II and Type III Reviews		
Submittal Item	**Required for Pre-application**	**Required for Application**
County Health Department must be submitted. This evaluation is conducted to identify any on-site water wells or septic system.		
20. Covenants or Restrictions. All existing covenants or restrictions and/or easements that apply to the property must be submitted.		**X**
21. Associated Applications. Applications associated with the preliminary plan, to the extent applicable (e.g., archaeological, critical aquifer recharge areas [CARA], floodplain, habitat, shoreline, wetland, variances, etc.), must be submitted prior to or concurrent with the application.		**X**

40.520 PERMITS AND REVIEWS

40.520.010 LEGAL LOT DETERMINATION

A. Purpose and summary.
   1. The purpose of this section is to provide a process and criteria for determining whether parcels are lots of record consistent with applicable state and local law, and to include a listing of potential remedial measures available to owners of property which do not meet the criteria.
   2. In summary, parcels are lots of record if they were in compliance with applicable laws regarding zoning and platting at the time of their creation. Zoning laws pertain primarily to the minimum lot size and dimensions of the property. Platting laws pertain primarily to the review process used in the creation of the lots. Specific provisions are listed herein.

B. Applicability. The standards of this section apply to all requests for lot determinations, or for building permit, placement permit, site plan review, short plat, subdivision, conditional use permit, rezone, or comprehensive plan change application.

C. Determination process. Lot of record status may be formally determined through the following ways:
   1. Lot Determinations as Part of a Building Permit or Other Development Request. Building or other development applications for new principal structures on parcels which are not part of a platted land division shall be reviewed by the county for compliance with the criteria standards of this section, according to the timelines and procedures of the building permit or other applicable review involved. Lot determination fees pursuant to CCC Title 6 shall be assessed, unless the parcel was recognized through a previous lot determination or other review in which such recognition was made. Lot determination fees will be assessed for placement or replacement of primary structures. A separate written approval will not be issued unless requested by the applicant. Request for determinations based on the innocent purchaser or public interest exception criteria of this chapter shall require separate submittal under subsection (C)(2) of this section.
   2. Lot Determinations Requests Submitted Without Other Development Review. Requests for determinations of lot of record status not involving any other county development reviews, or any requests for innocent purchaser or public interest exceptions shall submit an application for lot determination pursuant to Section 40.520.020, with fees assessed pursuant to Title 6 of this code. A Type I process per Section 40.510.010 shall be used, unless the request is based on the public interest exception discretionary criteria of Section 40.520.010(F)(3), in which case Type II reviews as per Section 40.510.020 will be used. The county will issue a letter of determination in response to all such requests.

D. Application and submittal requirements.
   1. The following shall be submitted with all applications for lot determination, or applications for other development review in which a lot determination is involved. Applicants are encouraged to submit material as necessary to demonstrate compliance with this section.
      a. Prior county short plat, subdivision, lot determination or other written approvals, if any, in which the parcel was formally created or determined to be a lot of record;
      b. Sales or transfer deed history dating back to 1969;
      c. Prior segregation request, if any;
      d. Prior recorded survey, if any;
      e. At the discretion of the applicant, any other information demonstrating compliance with criteria of this section.
   2. Requests for the innocent purchaser exception shall also include a written explanation of the circumstances surrounding the purchase of the property which demonstrates compliance with innocent purchaser criteria of Section 40.520.010(F)(1). Additional documentation such as earnest money agreements, written affidavits, previous tax statements or property advertisements may be included at the discretion of the applicant.
   3. Requests for the public interest exception shall also include a written explanation which demonstrates compliance with applicable public interest exception criteria of this chapter.

E. Approval criteria.
1. Basic Criteria. Parcels which meet both of the following basic criteria are lots of record:
    a. Zoning. The parcel meets minimum zoning requirements, including lot size, dimensions and frontage width, in effect currently or at the time the parcel was created; and
    b. Platting.
        (1) The parcel was created through a subdivision or short plat recorded with Clark County; or
        (2) The parcel is five (5) acres or more in size and was created through any of the following:
            (a) An exempt division which occurred prior to April 19, 1993,
            (b) A tax segregation requested prior to April 19, 1993,
            (c) A survey completed as to boundaries prior to April 19, 1993 and recorded prior to July 19, 1993; or
        (3) The parcel was created through a division or segregation of four or fewer lots requested prior to July 1, 1976; or
        (4) The parcel was created through division or segregation and was in existence prior to August 21, 1969; or
        (5) The parcel was created through court order, will and testament, or other process listed as exempt from platting requirements by RCW 58.17.035, 58.17.040, or Section 40.540.010(A), or through an exemption from platting regulations provided by law at the time of creation of the parcel; or
        (6) The parcel was segregated at any time and is twenty (20) acres or more in size.
2. Prior Determination. Parcels which have been recognized through a previous lot determination review, or other county planning approval in which lot recognition is made, are lots of record. Such parcels shall remain lots of record until changed by action of the owner.
3. Parcels which have been appropriately merged by the County Assessor at the request of the property owners for tax purposes shall not retain their status as individual parcels or lots prior to the merger, unless the responsible official finds that the merger was requested without knowledge of the consequences, that a reduction in appraised value of forty-five thousand dollars ($45,000) per lot merged was not realized, and that the lots can be recognized under public interest exception criteria of Section 40.540.010(C). Adjacent, common ownership lots of record taxed separately, or parcels merged without owner consent shall retain any such historical status.
4. Dormant territorial plats lots created through land divisions which were recorded prior to 1937, and not subsequently developed or improved shall not be considered legal lots of record under the basic criteria of subsection (E)(1)(b) of this section, although they may be recognized if they meet other approval criteria of this chapter.

F. Exceptions.
1. Innocent Purchaser Exception. The responsible official shall determine that parcels which meet both of the following exception criteria are lots of record:
    a. Zoning. The parcel meets minimum zoning dimensional requirements, including lot size, dimensions and frontage width, which are currently in effect or in effect at the time the parcel was created; and
    b. Platting. The current property owner purchased the property for value and in good faith, and did not have knowledge of the fact that the property acquired was divided from a larger parcel after August 21, 1969 in the case of subdivisions, or after July 1, 1976 in the case of short plats, or after April 19, 1993 in the case of any segregation resulting in parcels of five (5) acres or larger.
2. Public Interest Exception, Mandatory. The responsible official shall determine that parcels which meet the following criteria are lots of record:
    a. Date of Creation. The lot was created before January 1, 1995,
    b. Zoning. The parcel meets minimum zoning dimensional requirements currently in effect, including lot size, dimensions and frontage width; and
    c. Platting.
        (1) The responsible official determines that improvements or conditions of approval which would have been imposed if the parcel had been established through platting are already present and completed; or

(2) The property owner completes conditions of approval which the responsible official determines would otherwise be imposed if the parcel had been established through platting under current standards. Preliminary and final submittal plans shall be required where applicable.

3. Public Interest Exception, Discretionary. The responsible official may, but is not obligated to determine that parcels meeting the following criteria are lots of record:
   a. Zoning. The parcel lacks sufficient area or dimension to meet current zoning requirements but meets minimum zoning dimensional requirements, including lot size, dimensions and frontage width, in effect at the time the parcel was created; and
   b. Platting.
      (1) The responsible official determines that conditions of approval which would have been imposed if the parcel been established through platting under current standards are already present on the land; or
      (2) The property owner completes conditions of approval which the responsible official determines would otherwise be imposed if the parcel had been established through platting under current standards. Preliminary and final submittal plans shall be required where applicable.
   c. The responsible official shall apply the following factors in making a lot of record determination under the discretionary public interest exception:
      (1) The parcel size is generally consistent with surrounding lots of record within one thousand (1,000) feet;
      (2) Recognition of the parcel does not adversely impact public health or safety;
      (3) Recognition of the parcel does not adversely affect or interfere with the implementation of the comprehensive plan; and
      (4) The parcel purchase value and subsequent tax assessments are consistent with a buildable lot of record.
4. Recognition of lot of record status based on the public interest exception shall be valid for five (5) years from the date of lot determination or review in which the determination was made. If a building or other development permit is not sought within that time, the determination will expire. Applications for development or lot recognition submitted after five (5) years shall require compliance with applicable standards at that time.

G. De minimus lot size standard. For the purposes of reviewing the status of pre-existing lots for compliance with platting and zoning standards, parcels within one percent (1%) of minimum lot size requirements shall be considered in compliance with those standards. Parcels within ten percent (10%) of lot size standards shall be similarly considered in compliance unless the responsible official determines that public health or safety impacts are present.

H. Potential remedial measures. Transfer or sale of properties created in violation of land division regulations is a gross misdemeanor pursuant to RCW 58.17.300. Buyers of property not in compliance with lot of record criteria, including exceptions, listed in this section may consider pursuing one or more of the following, listed in no particular order:
1. Purchase of additional land from surrounding properties if necessary to reach compliance with zoning standards, and subsequent boundary line adjustment which does not result in any other parcels becoming inconsistent with minimum zoning standards.
2. Private action to seek damages, including the cost of investigation and suit from the selling party if the property was transferred in violation of applicable zoning and platting regulations, as authorized by RCW 58.17.210.
3. Private action to rescind the sale or transfer, and recover cost of investigation and suit from the selling party if the property was transferred in violation of applicable zoning and platting regulations, as authorized by RCW 58.17.210.
4. Application for a variance if necessary to reach compliance with zoning standards. Such applications will be reviewed solely under variance criteria of Section 40.550.020, and shall not be granted on the basis of illegal lot status.
5. Application for zoning changes under Section 40.560.020 and/or comprehensive plan changes under Section 40.560.010 if an alternative designation can bring the parcel into lot of record status. Such plan and

zone change requests shall be reviewed solely according to their compliance with respective criteria of Section 40.560.020 and/or Section 40.560.010, and shall not be granted on the basis of illegal lot status.

40.520.020 USES SUBJECT TO REVIEW AND APPROVAL (R/A)

A. Purpose. Upon review of the responsible official, uses designated as permitted subject to Review and Approval (R/A) may be allowed in the various districts; provided, that the responsible official is of the opinion that such uses would be compatible with neighboring land uses.

B. Review procedures. Uses subject to Review and Approval (R/A) shall be reviewed through a Type II process, provided, that the responsible official, at his or her discretion, may refer any proposal to the hearings examiner for review and approval, or denial. Any uses approved under the provisions of this chapter by either the responsible official or the hearings examiner in public hearing, shall be compatible with adopted county land use policies and goals.

C. Approval Criteria - General. Except for the uses listed in Subsection (D), below, in approving a use, the responsible official shall first make a finding that all of the following conditions exist:
   1. The site of the proposed use is adequate in size and shape to accommodate the proposed use;-
   2. All setbacks, spaces, walls and fences, parking, loading, landscaping, and other features required by this title are provided;
   3. The proposed use is compatible with neighborhood land use;
   4. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;
   5. The proposed use will have no substantial adverse effect on abutting property or the permitted use thereof; and
   6. In the case of residential uses, the housing density of the development is consistent with the existing zoning densities, or the general plan, and that all other aspects of the development are consistent with the public health, safety, and general welfare for the development and for adjacent properties.

D. Approval Criteria – Special Uses. When the following uses are allowed subject to Review and Approval (R/A) the responsible official shall review them subject to the applicable standards and criteria in Chapter 40.260:
   1. Accessory Dwelling Units (40.260.020)
   2. Bed and Breakfast Establishments (40.260.050)
   3. Home Occupations (40.260.100)
   4. Residential Infill (40.260.110)
   5. Mobile Homes on Individual Lots (40.260.130)
   6. Townhouse Developments (40.260.230)
   7. Wireless Communications Facilities (40.260.250)
   8. Zero Lot Line Development (40.260.260)

40.520.030 CONDITIONAL USE PERMITS

A. Purpose. In certain districts, conditional uses may be permitted, subject to the granting of a conditional use permit. Because of their unusual characteristics, or the special characteristics of the area in which they are to be located, conditional uses require special consideration so that they may be properly located with respect to the objectives of this title and their effect on surrounding properties.

B. Hearings examiner authority. The hearings examiner shall have the authority to approve, approve with conditions, disapprove, or revoke conditional use permits subject to the Type III process in Chapter 40.510.030. Changes in use, expansion or contraction of site area, or alteration of structures or uses classified as conditional and existing prior to the effective date of the ordinance codified in this title, shall conform to all regulations pertaining to conditional uses.

C. Pre-application submittal requirements for a conditional use permit.
   1. A pre-application conference is required for all conditional use permit applications. See Section 40.510.030(A) regarding pre-application review.
   2. An applicant for a pre-application review of a conditional use permit shall comply with the submittal requirements in Section 40.510.050.

D. Application submittal requirements for a conditional use permit. An application for a review of a conditional use permit shall comply with the submittal requirements in Section 40.510.050.

E. Action by the hearings examiner.
   1. In permitting a conditional use the hearings examiner may impose, in addition to regulations and standards expressly specified in this title, other conditions found necessary to protect the best interests of the surrounding property or neighborhood, or the county as a whole. These conditions may include but are not limited to requirements:
      a. increasing the required lot size or setback dimensions;
      b. increasing street widths;
      c. controlling the location and number of vehicular access points to the property;
      d. increasing the number of off-street parking or loading spaces required;
      e. limiting the number of signs;
      f. limiting the lot coverage or height of buildings because of obstructions to view and reduction of light and air to adjacent property;
      g. limiting or prohibiting openings in sides of buildings or structures or requiring screening and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area; and
      h. establishing requirements under which any future enlargement or alteration of the use shall be reviewed by the county and new conditions imposed.
   2. In order to grant any conditional use, the hearings examiner must find that the establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case, be significantly detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the county.

F. Revocation. The hearings examiner, upon receiving a recommendation from the responsible official, may revoke any conditional use permit for noncompliance with conditions set forth in the granting of said permit through a Type III process pursuant to Section 40.510.030. The foregoing shall not be the exclusive remedy, and it shall be unlawful and punishable herein for any person to violate any condition imposed by a conditional use permit.

G. Minor expansions.
   1. Except as provided in subsection (G)(2), an existing permitted or lawfully nonconforming conditional use may be expanded or modified following site plan approval pursuant to Section 40.520.040 if the expansion or modification will result in less than a twenty-five percent (25%) cumulative enlargement or relocation of the structure, floor area, or parking area, complies with other applicable regulations, and is not expressly prohibited by either:
      a. An applicable prior land use decision if the original use is lawfully nonconforming because it was commenced prior to a conditional use permit being required; or
      b. The conditional use permit issued for such use.
   2. School Modulars or Portables. Installation of modular or portable buildings on school sites are not subject to the twenty five percent (25%) cumulative enlargement limit.

40.520.040 SITE PLAN REVIEW

A. Applicability and review process.
   1. Site plan review is required for all new development and modifications to existing permitted development, unless expressly exempted by this title.

2. A site plan is subject to a Type II review process as provided in Section 40.510.020 if it is subject to one or more of the following:
    a. Conditional use;
    b. Planned unit development;
    c. New development in all urban holding, contingent zone, urban residential, office residential, business park, office campus, mixed use, university, commercial, industrial, surface mining and airport zones, unless expressly exempted by this title;
    d. A modification to existing permitted development or a permitted modification to an existing nonconforming use if it will cause any of the following:
        (1) An increase in density or lot coverage by more than ten percent (10%) for residential development;
        (2) A significant change in the type of dwelling units proposed in a residential development (e.g., a change from detached to attached structures or a change from single-family to multifamily);
        (3) An increase of more than ten percent (10%) in on-site parking required by this chapter or an increase of more than forty (40) on-site parking space;
        (4) An increase in the height of a structure(s) by more than ten percent (10%);
        (5) A change in the location of access ways to frontage roads where off-site traffic would be affected, or a change in the location of parking where the parking is closer to land zoned or used for residential or mixed residential/other purposes;
        (6) An increase in vehicular traffic to and from the site of more than twenty (20) average daily trips, based on the latest edition of the International Transportation Engineer's (ITE) Trip Generation Manual or substantial evidence by a professional engineer licensed in the state of Washington with expertise in traffic engineering;
        (7) An increase in the floor area of a structure used for nonresidential purposes by more than ten percent (10%) and at least five thousand (5,000) square feet;
        (8) A SEPA determination is required by Chapter 40.570;
        (9) A reduction in the area used for recreational facilities, screening, buffering, landscaping and/or open space by more than ten percent (10%); and
        (10) A modification other than one listed in this section if subject to Type II review based on the post-decision procedures in Section 40.520.060 or based on other sections of this title.
3. A site plan is subject to a Type I review process as provided in Section 40.510.010 if:
    a. It is not subject to Type II review under subsection (A)(2) of this section;
    b. It is not exempt under subsection (A)(4) of this section; or
    c. It is expressly listed below:
        (1) Portable, walk-up vendors such as espresso and coffee carts, flower stands and food carts, which meet the following criteria:
            (a) The use shall be portable (not permanently connected to public or private sewer or water facilities and equipped with mechanisms to readily remove structure);
            (b) The structure shall not exceed three hundred (300) square feet;
            (c) The use shall not incorporate a drive-through.
4. The following land uses and development are exempt from site plan review, provided the applicable standards of this title are met:
    a. A single-family detached dwelling and modifications to it.
    b. A duplex or triplex and modifications to it on a lot created and approved for such use.
    c. Development exempt from review under CCC 14.04.050 and CCC 14.04.125.
    d. Modifications to the interior of existing structures that do not change the use or the amount of a use.
    e. Changes in use that do not require a need for an increased number of parking spaces over those required for the existing use, based on Table 40.340.010-4. The proposed change in use must also be a permitted use in the zoning district and may not violate the existing site plan approval. The existence of on-site parking greater than the minimum number of spaces required for a new use does not exempt a development from site plan review. Existing additional parking spaces can be used to meet any new parking requirements for the new use.
    f. Land divisions.
    g. School Modulars or Portables, provided that the applicant takes on lead agency status for SEPA.

h. Other development the responsible official finds should be exempt, because it does not result in an increase in land use activity or intensity or in an adverse impact perceptible to a person of average sensibilities from off-site, and because the county can assure the development complies with applicable standards without site plan review.

B. Binding Site Plans
1. The purpose of binding site plan approval is to provide an alternative to the standard subdivision process for specific types of development. The binding site plan shall only be applied for the purpose of dividing land for:
   a. Sale or for lease of commercially or industrially zoned property as provided in RCW 58.17.040(4);
   b. Lease as provided in RCW 58.17.040(5) when no other structure other than manufactured homes or travel trailers are permitted to be placed upon the land; provided, that the land use is in accordance with the requirements of this title; and
2. In addition to the requirements of a standard site plan, a binding site plan shall contain:
   a. inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land; and
   b. provisions making any development conform to the site plan.

C. Pre-application submittal requirements.
1. A site plan subject to a Type I review is not subject to pre-application review unless requested by the applicant.
2. A site plan subject to a Type II review is subject to pre-application review unless waived. See Section 40.510.020(A) regarding pre-application review.
3. An applicant for a pre-application review of a site plan shall comply with the submittal requirements in Section 40.510.050.

D. Application submittal requirements for site plan review. An application for a review of a site plan shall comply with the submittal requirements in Section 40.510.050.-

E. Approval criteria.
1. Generally.
   a. If the responsible official finds that a site plan application does or can comply with the applicable approval and development standards, the responsible official shall approve the site plan, or approve the site plan subject to conditions of approval that ensure the proposed development will comply with the applicable standards.
   b. If the responsible official finds that a site plan application does not comply with one or more of the applicable approval or development standards, and that such compliance cannot be achieved by imposing a condition or conditions of approval, the responsible official shall deny the site plan application.
   c. If a site plan is subject to a standard(s) over which the responsible official does not have sole jurisdiction, then the responsible official shall not make a final decision regarding the site plan until the related decision(s) regarding the applicable standard(s) has been received.
   d. The responsible official may modify or waive any of the site plan review standards for specific development within the commercial districts if the responsible official finds that a specific design guideline(s) within Section 40.230.010(E) cannot be implemented in the proposed development without granting the modification.
2. Site Plan Approval criteria. In addition to other applicable provisions of this code, a site plan application shall comply with the following standards or modifications or variations to those standards permitted by law:
   a. Use and development standards of the applicable base zones and overlay zones in this title;
   b. Sign standards in Chapter 40.310;
   c. Landscaping and screening design standards in Chapter 40.320;
   d. Crime prevention guidelines in Chapter 40.330
   e. Parking and loading standards in Chapter 40.340;
   f. Transportation and circulation standards in Chapter 40.350;

g. Solid waste and recycling standards in Chapter 40.360;
h. Sewer and water standards in Chapter 40.370;
i. Stormwater and erosion control standards in Chapter 40.380;
j. Critical areas standards in Subtitle 40.4; and
k. Fire safety standards in Chapter 15.12.

40.520.050 SIGN PERMITS

A. A sign permit shall only be issued if it complies with all of the applicable provisions of Chapter 40.310 and the county code. One sign permit application may include all signs proposed for the premises. In addition, a temporary sign permit may include all temporary signs proposed within one (1) year. Although permits are not required for other types of signs such as those indicated in Section 40.310.010(F), all signs are required to conform to the provisions of this chapter. Additionally, a building permit may be required for the installation of a sign pursuant to CCC Title 14.

B. Application Requirements. Applications for sign permits must be submitted with the following information:
1. Completed application form containing:
   a. Applicant's name, address and phone number;
   b. Contractor's license number, if the sign is not being installed by the owner;
   c. Owner name;
   d. Section, township, range and tax lot(s) and serial number(s) of the lot(s) on which the sign(s) are to be located;
   e. Description of all signs proposed in the application, including number of signs, area and height; and
   f. Applicant certification that the information submitted is correct and the sign will not block any existing solar feature pursuant to Clark County Code Section 18.409.095.
2. Site plan to scale which identifies:
   a. All the boundaries of the property;
   b. General location of all buildings, driveways, parking areas;
   c. The name and location of all streets;
   d. The location of all existing freestanding signs; and
   e. The location of all proposed signs including the minimum distance to the property line and center of abutting streets and driveways, as applicable.
3. Front elevation view of sign which identifies:
   a. Size and shape of sign;
   b. Height of sign;
   c. Types of support(s);
   d. All permanent graphics; and
   e. Type of lighting, if any, such as direct, indirect, internal or ground mounted.
4. Side elevation required for building signs which project more than one (1) foot beyond the building line or one (1) foot above the eave of the building.
5. Any other information requested by the responsible official which is necessary to determine compliance with the provisions of this section, or the vision clearance requirements of Section 40.350.030(B)(8).

C. Sign Permit Review. The responsible official shall approve, approve with conditions, deny or return plans to the applicant for revisions within five (5) working days from the receipt of a fully complete application. If the decision is not rendered within five (5) working days, the applicant may meet with the responsible official to discuss the application and may appeal the decision or lack of decision to the hearings examiner.

D. Appeals. Appeals shall follow the process described under Chapter 40.510.

40.520.060 POST-DECISION PROCEDURES

A. Generally.
1. Except for final plats, post-decision procedures may change decisions without necessarily subjecting the change to the same procedure as the original decision. Such changes may be warranted by ambiguities or conflicts in a decision and by new or more detailed information, permits or laws.
2. At any time prior to final site plan or final plat approval, a party to a decision made under this chapter or their successor in interest may file with the responsible official an application for post-decision review of a Type I, II or III decision, describing the nature of the proposed change to the decision and the basis for that change, including the applicable facts and law, together with the fee prescribed for that application by the board.
3. An application for post-decision review is not subject to pre-application review. It is subject to counter complete and fully complete determination; provided, the responsible official shall not require an application for post-decision review to contain information that is not relevant and necessary to address the requested change or the facts and law on which it is based.
4. As part of a determination of completeness of an application for post-decision review of a Type II or III decision, the responsible official shall classify the application as a Type I, II or III process and advise the applicant in writing of that classification. The recommended classifications of certain common changes are included as Appendix B, "Guidelines for Post-Decision Changes." The classifications in the table are recommended, but the classification of each post-decision review shall be based on the circumstances of that decision and the guidelines in subsection B of this section. The decision classifying the application shall be subject to appeal as part of the decision on the merits of the post-decision review.
5. Post-decision review cannot substantially change the nature of development proposed pursuant to a given decision. As part of a determination of completeness of an application for post-decision review of a Type II or III decision, the responsible official may issue a decision that the proposed change in a decision should not be subject to post-decision review; it should be subject to a new application on the merits of the request. That decision may be appealed to the hearings examiner.
6. An application for post-decision review does not extend the deadline for filing an appeal of the decision being reviewed and does not stay appeal proceedings.
7. Post-decision review can be conducted only regarding a decision that approves or conditionally approves an application. An application that is denied is not eligible for post-decision review.

B. Classification of Post-Decision Review.
1. An application for post-decision review of a Type I decision shall be subject to a Type I review process.
2. An application for post-decision review of a Type II decision shall be subject to a Type I review process if the responsible official finds the requested change in the decision:
    a. Does not increase the potential adverse impact of the development authorized by the decision; and
    b. Is consistent with the applicable law or variations permitted by law, including a permit to which the development is subject; and
    c. Does not involve an issue of broad public interest, based on the record of the decision; and
    d. Does not require further SEPA review.
3. An application for post-decision review of a Type II decision shall be subject to a Type II review process if it is not subject to Type I review.
4. An application for post-decision review of a Type III decision shall be subject to a Type I review process if the responsible official finds the requested change in the decision:
    a. Reduces the potential adverse impact of the development authorized by the decision; and
    b. Is consistent with the applicable law or variations permitted by law, including a permit to which the development is subject; and
    c. Does not involve an issue of public interest, based on the record of the decision.
5. An application for post-decision review of a Type III decision shall be subject to a Type II review process if the responsible official finds the requested change in the decision:
    a. Does not increase the potential adverse impact of the development authorized by the decision or SEPA determination; and
    b. Is needed to address a minor change in the facts or the law, including a permit to which the development is subject; and

c. Does not involve an issue of broad public interest, based on the record of the decision.

6. An application for post-decision review of a Type III decision shall be subject to a Type III review process if it is not subject to Type I or II review.
7. When a post-decision request for a change involves a condition of approval that was imposed in the original decision to address a specific potential impact of the proposed development, then that condition of approval can be changed only using the same type process as the original decision.

C. Modification of a decision other than by a timely appeal or post-decision review shall be by new application; provided, a new application cannot be filed within one calendar year after the date of a decision denying a substantially similar application, unless such earlier decision provided otherwise.

40.520.070 MASTER PLANNED DEVELOPMENT

A. Purpose. The master planning standards in this section are intended to:
1. Promote coordinated and cohesive site planning and design of large, primarily light industrial and office campus sites that will occur over an extended period of time;
2. Provide a means of streamlining and consolidating development review processes. For large sites, intensive and integrated master planning review may occur earlier within the development process, lessening the scope of piecemeal review later as individual developments occur;
3. Through consolidation of review processes, provide a level of predictability to project applicants, the county and the community at large regarding the nature and type of development which will occur in the future; and
4. Through flexibility of standards and consolidation of reviews, promote and facilitate quality development of larger sites in an integrated, cohesive manner providing for functional, design and other linkages between, and consistency among, a mix of individual uses and structures.

B. Applicability. Any development equal to or greater than fifty (50) contiguous acres in size shall be eligible to apply for approval of a master plan by the reviewing authority. A minimum of seventy-five percent (75%) of the area proposed for master planning shall be held under common ownership at the time of application. A minimum of eighty-five percent (85%) of the area proposed for master planning shall be zoned light industrial (ML) or office campus (OC), or a change in zoning requested to this effect, at the time of application. The master plan shall consist of both a concept plan which shows the location, distribution and phasing of land uses and related facilities and a development plan as each phase of the plan is developed.

C. Definitions. For the purposes of this section, the following definitions apply

Conceptual plan	"Conceptual plan" means a site plan drawn at a sufficient level of detail to convey the concept for development of the site but without sufficient detail to allow construction.
Development concept	"Development concept" means the overall vision for the site, including but not limited to the intended purpose, uses and their approximate locations, and appearance of the development.
Grading plan	"Grading plan" means a topographic site plan showing existing and proposed grades for building pads and open space on a site. In a phased plan, building pad elevations for the preliminary phase shall be indicated, while finished grades for the remaining phase(s) may be indicated without showing proposed building pads.
Master plan	"Master plan" means a comprehensive, long-range site and/or building plan for a development project. The project may be located on a single parcel or on abutting parcels which are owned by one or more parties and may be implemented in phases.
Phases	"Phases" means a development plan undertaken in a logical time and geographical sequence.
Preliminary plan	"Preliminary plan" means a detailed map showing site layout, landscape and/or building elevation plans and submitted to the review authority for preliminary review.
Substantial progress	"Substantial progress" means the point at which permits for site preparation, site plan approval and/or building construction for a preliminary phase of a master plan development have been submitted to the review authority for review.

D. Master Plan Review Process
   1. Review Process. Master plans shall be reviewed according to a Type III process as described in Section 40.510.030, unless noted otherwise herein.
   2. Pre-Application. An application for approval of a master plan shall first submit an application for a pre-application conference. See Section 40.510.030(A) regarding pre-application review. An application for pre-application review of a master plan shall comply with the submittal requirements in Section 40.510.050 of this code.
   3. Other Reviews. The master planning review is intended to provide a means of consolidating various reviews into a single master plan application and review, such that development subsequent to an approved master plan can be processed through site plan review. The master plan ordinance is not intended to integrate proposed large scale zone or comprehensive plan changes to commercial designations, or to facilitate development to that effect.
   4. Master plan review and subsequent site plan review shall serve to integrate the following review processes:
      a. Conditional use review;
      b. Zone changes, consistent with the procedural ordinance, necessary to meet the applicability requirement of this section that eighty-five percent (85%) of the master plan area be zoned light industrial (ML) or office campus (OC);
      c. Responsible official review;
      d. Variance.
   5. Short plats and subdivisions shall be processed separately under Chapter 40.540. Land division applications may be reviewed concurrently with master plan proposals.
   6. Proposed comprehensive plan map changes increasing areas of commercial designations shall be processed separately under Section 40.560.010.
   7. Master Plan Formal Application. In consultation with responsible official, the applicant will complete a final master plan application. The submittal for final approval by the review authority must include information and demonstrate compliance with Section 40.520.070(E) plus the following information:
      a. Final site plans for any phases proposed for development immediately following approval of the master plan and conceptual for any remaining phases;
      b. The final master plan document, with elements and development standards in accordance with Section 40.520.070(H);
      c. Proof of provision for maintenance of common open areas and for implementation of design guidelines and/or landscape plans, either by the owner, the owner's association or public agency; and
      d. Requisite Fees. The fees shall be those set forth in Chapter 6.110A.
   8. Upon approval by the reviewing authority and timely implementation as described in Section 40.520.070(G), the master plan shall remain in force unless amended through appropriate procedures outlined in Section 40.520.070(J). All development in the master plan area shall thereafter comply with the master plan requirements and standards included or referenced therein. Provisions of this subsection may be implemented through this section, incorporating Sections 501--506 of Chapter 347, laws of 1995.

E. Findings. In approving the master plan, site plans subsequent to master plan approval, or amendments to the master plan, the review authority shall make a finding that:
   1. All of the following general goals are met:
      a. Achievement of the goals and objectives of the community framework plan and the comprehensive plan;
      b. Enhancement of economic vitality, particularly opportunities for high wage employment;
      c. Efficient provisions and use of public facilities and services; and
      d. Measures to reduce the number of automobile trips generated and to encourage alternative modes of transportation; and
   2. All of the following conditions exist:
      a. The master plan contains adequate provisions for ensuring that the original visions and goals as stated in the master plan will be implemented;
      b. The site of the proposed master plan is adequate in size and shape to accommodate the proposed uses and all yards, spaces, walls and fences, parking, loading, landscaping, and other features as required by this title, and to ensure that said use will have no significant detrimental impacts on neighboring land uses and the surrounding area;

c. The site for the proposed uses relates to streets and highways that are or will be adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed uses;
d. Adequate public utilities are or will be available to serve the proposed project;
e. The establishment, maintenance, and/or conduct of the use for which the development plan review is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare, injurious to property or improvements in said neighborhood; nor shall the use be inconsistent with the character of the neighborhood or contrary to its orderly development;
f. The proposed master plan facilities quality development in an integrated manner which provides for a functional and design interrelation of uses and/or structures;
g. The master plan meets all submittal requirements of this section, and material submitted provides sufficient detail to enable review for compliance;
h. All areas of the master plan site to be developed with commercial uses shall be so delineated on the master plan. Commercially delineated areas proposed within industrially zoned areas of the master plan site shall account for no more than ten percent (10%) of the total area of those industrially zoned lands. Commercial development proposed within areas zoned office campus shall be allowed as an accessory to office or manufacturing building uses, comprising no more than fifteen percent (15%) of total floor area of the development or building.

3. The review authority may impose conditions as necessary to satisfy the requirements of this section.
4. The applicant may choose one of two options for environmental review:
   a. Environmental review for buildout of the master plan. Projects included in the environmental review of the master plan shall not require additional environmental review; or
   b. Environmental review of the conceptual master plan followed by project-specific environmental review to be completed at the time of individual project development. This option includes situations where the conceptual SEPA review for the master plan is completed concurrently with project-specific SEPA review on a first phase. The scope of a narrower review of project proposals may be based on relevant similarities, such as common timing, impacts, implementation or subject matter (per WAC 197-11-060.3).

F. Site Plan Review Process Under An Approved Master Plan
1. Site plan review conferences are required for each phase of development, based on specific development/building plans.
2. Any approved master plan shall be given priority, based upon an established first-come, first-served list of other master planned projects, for expedited site plan review. The standards for such expedited site plan review shall be based on submittal, with the master plan application, of all required materials for site plan review and SEPA compliance.
3. Development proposals submitted pursuant to an approved master plan shall be reviewed under Section 40.520.040, subject to a demonstration of consistency with the approved master plan and applicable conditions of master plan approval. Such development proposals do not require a public hearing on a project-specific basis so long as the original master plan is followed. The review authority may impose conditions of approval for such site plan proposal as necessary to ensure compliance with master plan approval criteria or conditions.

G. Effective period
1. The development shall be constructed in a timely manner, following the phasing approved in the master plan. Substantial progress toward development of the first phase or entire project, whichever is applicable, shall occur within twenty percent (20%) of the project's timeline as adopted in the approved master plan. If substantial progress is not made, extensions for successive periods of two (2) years may be granted by the responsible official on a showing of good cause. Existing development on the master plan site may constitute substantial progress towards fulfilling these timelines.
2. Failure to develop within the time limit shall cause a forfeiture of the right to proceed under the master plan and require resubmission of all materials and re-approval of the same. In the event the review authority determines that substantial progress is not being made, a certified letter indicating such determination shall be sent to the property owner(s), as listed in the records of the County Assessor and a copy forwarded to

last known applicant(s) for master plan review. The applicant and/or owner have the right to appeal such determination under a Type II procedure pursuant to Section 40.510.020(H). If, on appeal, the board's determination is that the approved master plan has lapsed, a resolution shall be adopted indicating that any area where the master plan had altered the underlying zoning shall revert to its previous zoning designation. Any implemented phase or area which has developed does not revert to the previous zoning designation.

H. Elements of the Master Plan Document

1. Listing of Potential Uses. The master plan shall specify which industrial and/or commercial uses under the existing zoning designations on the site will be permitted under the master plan. Any commercial, office campus or light industrial use permitted under this title is allowable for inclusion in a master plan. All uses subject to conditions or administrative review shall be so stated in the development standards in the master plan. The listing of uses may be compiled through either of the following means:
   a. Incorporate uses into the master plan by reference to sections of this title;
   b. Specify permitted uses in a use list to be accompanied by development standards; or
   c. Define the permitted and industrial and commercial uses independent of specific sections of this title and accompanied by performance standard criteria.
2. If the desired uses are inconsistent with the comprehensive plan or zoning designation for the subject site, beyond limited allowances specified in this section for commercial uses in industrially zoned areas, an amendment to the comprehensive plan (a Type IV procedure), and associated zone change shall be required.
3. Master Plan Document. The proposed master plan document shall include the following elements:
   a. A narrative that generally describes the concept for development of the site, the existing characteristics and proposed use(s), as well as plans for expansion or proposed phased development;
   b. The uses proposed for each area of the site. At a minimum, the master plan shall clearly delineate which areas of the site are to be developed with commercial uses, and which areas are to be developed with industrial uses. The stipulations of subsections (H)(1) and (H)(2) of this section shall apply. In addition, the plan should address any proposed temporary uses or locations of such uses during construction periods;
   c. Phasing.
      (1) The master plan must describe the phasing and timing for the development of each area, including the probable sequence of future phases and interim uses of the property awaiting development.
      (2) The greater the level of detail in the plan, the less need for extensive reviews of each development phase. Conversely, the more general the information, the greater the level of review that will be required for each development phase.
      (3) The master plan shall specify the ratio of development of different uses within each phase to ensure that secondary or supportive uses are not developed significantly in advance of primary uses.
      (4) If the construction of transportation infrastructure is phased, each development phase shall meet the test of concurrence showing the infrastructure in each phase to be sufficient for the uses proposed for each phase.
   d. Land Use. The land use section shall include:
      (1) The existing zoning and comprehensive plan designations for the area;
      (2) The size of the total area and size of each area of different use;
      (3) The proposed maximum and minimum floor area ratios for office, commercial and/or industrial uses;
      (4) Disposition of lands proposed for public facilities;
      (5) A list of existing improvements that will remain after development of the proposed use(s);
      (6) All improvements planned in conjunction with the proposed use(s);
      (7) Conceptual plans for potential future uses;
      (8) Surrounding zoning and comprehensive plan designations; and
      (9) Number of employees expected to work at the site by phase, if applicable.
   e. Site Plan. The site plan shall show, at the appropriate level of detail:
      (1) Boundaries of the Site. The master plan must show the current and potential future boundaries of the site for the duration of the master plan;

(2) Proposed lot configuration, building footprints (if appropriate), and other structures, landscaping, open space (if appropriate), any land proposed to be dedicated for open space areas, and other required items; and
(3) The pedestrian, bicycle and automobile circulation system, parking and loading areas, pedestrian and transit connections between the site and public or private streets serving the development and connecting to off-site open space, internal circulation (both auto and pedestrian), and location of proposed gates and fencing.

f. Transportation. The transportation and circulation element shall be composed of the following:
(1) Existing and proposed rights-of-way surrounding and internal to the site, provisions for alternative transportation modes such as bicycle, pedestrian, and public transit service, and parking;
(2) Analysis and discussion of transportation impacts. The discussion shall include the expected number of trips (peak and daily), an analysis of the impact of those trips on the adjacent street system and the proposed mitigation measures to limit any projected adverse impacts. Mitigation measures may include improvements to the street system or specific programs to reduce traffic impacts, such as encouraging the use of public transit, carpool, vanpools and other alternatives to single occupancy vehicles. Transportation analyses shall address projected impacts at the time of completion. Where phasing or site build-out exceeds six (6) years from the original master plan approval, additional traffic analyses may be required at the time of site plan review; provided, this has not been specified through prior agreements or approvals between the county and the applicant. A transportation impact study may be substituted for these requirements or required by the responsible official if deemed necessary; and
(3) A general discussion of parking impacts, with specifics to be addressed through development standards.

g. Utilities. Evidence that the utility providers will provide sewer, water and electrical services to the site, concurrent with the proposed phasing, shall be included. A map of the site shall show utility easements.

h. Public Services. Evidence that the proposed development will not adversely affect the provision of water, sewer, stormwater, education, recreation, police, fire and health services beyond levels anticipated in the comprehensive plan shall be provided.

i. Open Space. The total amount and location of open space to be provided shall be identified in the master plan. The following conditions shall apply:
(1) Open space in the master plan shall not be used for construction of any structures not shown in the approved plan;
(2) If phased, the master plan must have provisions for developing the open space in each phase concurrently with other development in the phase;
(3) Open space restrictions must be established through conservation covenants or other permanent means; and
(4) The master plan shall indicate the intended ownership of the open space and provisions for its maintenance. An association of property owners may be formed for this purpose, as described under Section 40.520.070(I)(3).

4. Maps. In addition to the elements described above, the application for master plan approval shall contain maps of the following:
a. Existing conditions of the site and in the vicinity: topography, boundaries, lot configuration, rights-of-way and uses;
b. Conceptual drainage, utility, erosion control, stormwater and grading plans to be implemented in developing the site; and
c. Proposed development (by phase, if applicable): boundaries, land uses, lot configuration, location of proposed public or private streets, and location of public uses, if any.

I. Development Standards, Covenants And Guidelines
1. The applicant has two options in establishing development standards to control development in the master plan area:
a. Incorporate the development standards as adopted by the ordinance codified in this section; or

b. Propose new development standards (which may incorporate some of the standards in this section). Development standards that differ from the existing land use code requirements will be reviewed as part of master plan review.

2. Development standards shall address:
   a. Permitted, accessory and conditional uses and uses permitted with administrative review;
   b. Floor area ratios for office, commercial and industrial development;
   c. Maximum building heights;
   d. Maximum lot coverage (building and impermeable surface);
   e. Setbacks;
   f. Minimum spacing between buildings;
   g. Circulation/access to and within each lot and/or area;
   h. Landscaping requirements (minimum landscaped area);
   i. Open space;
   j. Parking requirements (location, design, amount);
   k. Street standards;
   l. Signage; and
   m. Handicapped accessibility.
3. Covenants, Conditions and Restrictions. Notwithstanding any other provision in this section, the review authority may enter into Developer Agreements pursuant to Section 501-505, Chapter 347, laws of 1995. The board may also declare the master plan a Planned Action pursuant to RCW 43.21C.031.
   a. Other site development restrictions, such as easements and covenants, not covered by the development standards or applicable ordinances may be incorporated into the master plan, in a section stipulating covenants, conditions and restrictions that run with the land;
   b. Where separate ownership of lots within the master plan area may occur, to ensure consistency in development and protect the character of the development, the owners may be required, or may desire, to confer responsibility for maintaining common open space, communal recreational areas and facilities, private roads and landscaping to one of the following:
      (1) An association of owners that shall be created as an association of owners under the laws of the state and shall adopt and propose articles of incorporation or association and bylaws, and adopt and improve a declaration of covenants and restrictions on the common open space that is acceptable to the Prosecuting Attorney. Automatic membership in the association upon purchase of property and association fees shall be contained in covenants that run with the land. The association must have the power to levy assessments. Nonpayment of association fees can become a lien on the property; or
      (2) A public agency that agrees to maintain the common open space and any buildings, structures or other improvements which have been placed on it.
4. Other conditions which may be addressed in this section of the master plan document are agreements and assurances on the part of the applicant and on the part of the county with respect to future development. Other general provisions may be included in the final master plan: effective date, duration, cooperation and implementation, intent and remedies, periodic review, dispute resolution, assignment, relationship of parties, hold harmless, notices, severability and termination, time of essence, waiver, successors and assigns, governing state law, constructive notice and acceptance, processing fees.
5. The owner may choose to establish architectural design guidelines to promote consistency throughout the development. Administering the guidelines shall be the responsibility of the owner of the site or the association of owners. The guidelines may consist of, for example; roof pitches, building materials, window treatments, paving materials, and building articulation, etc.
6. The comprehensive plan map shall be amended to add the suffix "-mp" to the site at the time of annual review for all approved master plans approved in the previous calendar year.

J. Procedure For Amendments, Appeals
1. Any modifications, additions or changes to an approved master plan are subject to the following:
   a. Minor changes that do not affect the general concept for development of the site as set out in the master plan shall be reviewed as a Type I process as described in Section 40.510.010. To be considered minor, the amendment must meet the following criteria:

(1) Substantial compliance with the approved site plan and conditions imposed in the existing master plan with no changes in use and no departure from the bulk and scale of structures originally proposed; and
(2) No greater impact would occur.

b. Changes that do not affect the general concept for development of the site as set out in the master plan shall be reviewed as a Type II process as described in Section 40.510.020. To be considered moderate, the amendment must meet the following criteria:
(1) Substantial compliance with the approved site plan and conditions imposed in the existing master plan but having a change in use and/or less than fifty percent (50%) change in the bulk and scale of structures originally proposed; and
(2) Some increase in anticipated impacts would occur.

c. Changes that do not meet the above criteria will be considered major amendments affecting the general master plan development concept and shall be subject to a Type III process as described in Section 40.510.030. Fees in effect at the time of the change request application will be applicable.

2. Proposed master plan amendments shall be subject to review criteria of Section 40.520.070(E) consistent with Section 40.520.060.
3. Appeal provisions for master plan approval or amendments, and development approvals pursuant to an approved master plan shall be as specified in Chapter 40.510.
4. Site plan review conferences are required for each phase of development, based on specific development/building plans.
5. Any approved master plan shall be given priority, based upon an established first-come, first-served list of other master planned projects, for expedited site plan review. The standards for such expedited site plan review shall be based on submittal, with the master plan application, of all required materials for site plan review and SEPA compliance.
6. Development proposals submitted pursuant to an approved master plan shall be reviewed under Section 40.520.040, subject to a demonstration of consistency with the approved master plan and applicable conditions of master plan approval. Such development proposals do not require a public hearing on a project-specific basis so long as the original master plan is followed. The review authority may impose conditions of approval for such site plan proposal as necessary to ensure compliance with master plan approval criteria or conditions.

40.520.080 PLANNED UNIT DEVELOPMENT

A. Purpose. The intent of the planned unit development approval is to allow flexibility in design and creative site planning, and in some cases, density, while providing for the orderly development of the county in conformance with the comprehensive land use plan. A further purpose of planned unit development approval is to allow for mixed uses when in conformance with the comprehensive plan.

B. Applicability. Planned unit developments are permitted pursuant to the provisions of this section within the following districts: R1-5, R1-6, R1-7.5, R1-10, R1-20, R-12, R-18, R-22, R-30, R-43, OR-15, OR-18, OR-22, OR-30, OR-43, CR-1, CR-2, C-2, C-3, CL, CH and MX districts.

C. Authority.
1. The responsible official shall have the authority to approve, approve with conditions, deny or revoke residential planned unit developments, subject to the provisions of this section.
2. Residential planned unit developments which warrant declaration of environmental significance shall be considered by the hearings examiner in public hearing.
3. Changes in use, expansion or contraction of site area, or alteration of structures or uses classified as planned residential developments, and existing but not approved prior to May 19, 1993, shall conform to all regulations pertaining to planned unit developments.

D. Uses permitted. Any use consistent with the comprehensive plan and permitted in any of the zone districts contained in this title may be permitted in planned unit development approval in accordance with the regulations regarding approval of the development plan. Approval shall be by either of the following:

1. The hearings examiner for those development plans which include mixed uses such as commercial-residential or industrial-commercial. The hearings examiner shall approve, approve with conditions, or disapprove the request in a public hearing; or
2. The responsible official for those development plans which are single-purpose in land use type and would not result in an increase greater than twenty percent (20%) in the net density normally allowed within the district.

E. Standards And Requirements
   1. General Requirements.
      a. Size of the Planned Unit Development Site.
         (1) Except as set forth in subsection (E)(1)(a)(2) of this section, a tract of land to be developed as a planned unit development shall have a minimum lot area of six (6) acres.
         (2) A planned unit development may have a lot size of less than six (6) acres if the responsible official or hearings examiner makes specific findings of fact to support the conclusion that a planned unit development is in the public interest because one or more of the following conditions exist:
            (a) An unusual physical or topographic feature of importance to the area as a whole (such as wetlands) exists on the site or in the neighborhood, which can be conserved and still leave the applicant equivalent use of the land by the use of a planned unit development;
            (b) The property or its neighborhood has an historical character of importance to the community that will be protected by use of a planned unit development;
            (c) The property is adjoining a property which has been developed or redeveloped under a planned unit development, and a planned unit development will contribute to the maintenance of the amenities and values of the neighboring planned unit development;
            (d) Unique or innovative design concepts developed to further specific policies of the comprehensive plan.
      b. Building Height. With review and approval of the responsible official or hearings examiner, the height of a proposed building shall comply with the height limitations of the underlying district in which it is proposed to be located, except that a greater height may be allowed in the amount of ten (10) feet of height for each additional fifteen (15) feet of setback from any property line.
      c. Common Open Space. No open area may be accepted as common open space within a planned unit development, unless it meets the following requirements:
         (1) The location, shape, size and character of the common open space is suitable for the planned unit development;
         (2) The common open space is for amenity or recreational purposes, or is used to maximize solar access to units incorporating solar energy systems; provided, that the uses authorized are appropriate to the scale and character of the planned unit development, considering its size, density, expected population, topography, and the number and type of dwellings provided;
         (3) Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation, such as wetlands, may be left unimproved. The buildings, structures, and improvements to be permitted in the common open space are those appropriate to the uses which are authorized for the common open space;
         (4) Land shown in the final development plan as common open space, the landscaping and/or planting contained therein, shall be permanently maintained by and conveyed to one of the following:
            (a) An association of owners shall be formed and continued for the purpose of maintaining the common open space. The association shall be created as an association of owners under the laws of the state and shall adopt and propose articles of incorporation or association and bylaws, and adopt and improve a declaration of covenants and restrictions on the common open space that is acceptable to the Prosecuting Attorney, in providing for the continuing care of the space. No common open space may be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use. No change of use may be considered as a waiver of any covenants limiting the use of common open space areas, and all rights to enhance these covenants against any use permitted are expressly reserved; or
            (b) A public agency which agrees to maintain the common open space and any buildings, structures, or other improvements which have been placed on it.

F. Approval Criteria. In approving the preliminary development plans, conditionally or otherwise, the hearings examiner or the responsible official shall first make a finding that all of the following conditions exist:
   1. That the site of the proposed use is adequate in size and shape to accommodate the proposed use and all setbacks, spaces, walls and fences, parking, loading, landscaping, and other features as required by this title, to ensure that the proposed use is compatible with the neighborhood land uses;
   2. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed uses. Adequate public utilities are available to serve the proposal;
   3. That the proposed use will have no significant adverse effect on abutting property or the permitted use thereof;
   4. That the establishment, maintenance, and/or conduct of the use for which the development plan review is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare, injurious to property or improvements in the neighborhood; nor shall the use be inconsistent with the character of the neighborhood or contrary to its orderly development; and
   5. That the proposal includes unique or innovative design concepts developed to further specific policies of the comprehensive plan.

G. Procedures. The provisions of this section shall be applied:
   1. By the responsible official upon the finding of the responsible official that said approval will allow the highest and best quality development to be achieved in accordance with the provisions of the comprehensive plan;
   2. By the hearings examiner when the application is forwarded to the examiner by the responsible official, or pursuant to Section 40.520.080(D).
   3. In granting any planned unit development plan, the hearings examiner may require adequate guarantees of compliance with the final development plan. Such guarantee may be a performance bond or other form of security in an amount sufficient to assure compliance, and may provide that such security be reduced as stages of construction are completed. Alternatively, or in addition to the security, conditions may be imposed requiring other adequate assurances that the structures and improvements will be completed, subject to review and approval as to form by the Prosecuting Attorney; or that the county may, in the event of the applicant's failure to comply, take the steps necessary to assure compliance, including performing the construction or maintenance itself, and levy a lien for all costs thereof against the property.

H. Pre-Application Submittal Requirements for a Planned Unit Development.
   1. A pre-application conference is required for all planned unit development applications. See Chapter 40.510 regarding pre-application review generally.
   2. An applicant for a pre-application review of a planned unit development shall comply with the submittal requirements in Section 40.510.050.

I. Application Submittal Requirements for a Planned Unit Development. An application for a review of a planned unit development shall comply with the submittal requirements in Section 40.510.050.

40.530 NONCONFORMING USES, STRUCTURES AND LOTS

40.530.010 PURPOSE

The purpose of this chapter is to establish provisions for the allowance and potential alteration of uses, lots or structures which do not conform to currently applicable standards or regulations, but which were in conformance with standards in place at the time of their inception, and have been rendered nonconforming due to a change in the applicable standards and regulations.

Nonconformities typically occur in three general categories, or combinations thereof:

- nonconforming lots, typically having substandard size or dimensions;
- nonconforming structures, typically having substandard setbacks or excessive height; and
- nonconforming uses, in which the activity is inconsistent with the allowances or procedures of the underlying zoning district.

40.530.020 ESTABLISHMENT OF LEGAL NONCONFORMING STATUS

For purposes of interpretation of this chapter, any uses, structures or lots which in whole or part are not in conformance with current zoning standards shall be considered as follows:

A. Legal Nonconforming. Those uses, structures or lots which in whole or part are not in conformance with current zoning standards, but were legally established at a prior date at which time they were in conformance with applicable standards. Such uses, structures or lots may be maintained or potentially altered subject to the provisions of this chapter.

B. Illegal Nonconforming. Those uses, structures or lots which in whole or part are not in conformance with current zoning standards and were not in conformance with applicable standards at the time of their inception. Illegal nonconforming uses, structures or lots shall not be approved for any alteration or expansion, and shall undertake necessary remedial measures to reach conformance with current standards, or be discontinued.

40.530.030 BURDEN OF DEMONSTRATION

The burden of establishing that any nonconformity is a legal nonconformity as defined in this chapter shall be borne by the owner or proponent of such nonconformity.

40.530.040 NEW DEVELOPMENT ON LEGALLY NONCONFORMING LOTS

In any zoning district, permitted structures or uses may be constructed upon any legally established nonconforming lot, subject to the standards of that district and all other applicable regulations. Additional exceptions to lot size standards for existing lots of record are provided in Section 40.200.050.

40.530.050 LEGAL NONCONFORMING USES

A. Discontinuation of Legal Nonconforming Status.
   1. Nonconforming uses shall be considered abandoned and discontinued in terms of legal nonconforming status if the legal nonconforming use ceases for a period of six (6) months or more, or is changed to a conforming use.
   2. A nonconforming use not involving a structure or one involving a structure (other than a sign) having an assessed value of less than two hundred dollars ($200), shall be discontinued.
   3. Uses which are nonconforming with respect to provisions for screening shall not be considered as legally nonconforming, and shall provide screening as required under current standards and regulations of the underlying zoning district within a period of five (5) years of the initial nonconformity. In cases of

nonconforming screening where the existing use is not permitted in the underlying zoning district, the responsible official may impose screening standards of the district in which the use is normally permitted.

4. That portion of a commercial or industrial nonconforming use of property involving outside storage of inventory, supplies, or other material shall be abated within six (6) months of the adoption of this ordinance unless, within such period, application for site plan approval is made and thereafter granted for such outside storage. Site plan approval for nonconforming outside storage shall be processed in accordance with the standards of the district within which such use is permitted.

B. Changes of Legal Nonconforming Uses.
   1. The responsible official may allow a legal nonconforming use to be changed to another legal nonconforming use, subject to a Type II review, only if all of the following conditions are met:
      a. The proposed new use can be clearly demonstrated to involve equal or lesser adverse impacts to the surrounding area, as it currently exists and as it is likely to develop in the future consistent with the underlying zoning district;
      b. The proposed change in use will involve minimal structural alteration;
      c. The proposed new use will not increase the amount of space occupied by a nonconforming use, except in cases where a legal nonconforming use proposes to expand within an existing building without structural alteration except as required by law, where such building had been originally designed for such internal expansion of use; and
      d. The proposed change in use is subject to Section 40.520.040, if applicable.

C. Expansions or Alterations of Legal Nonconforming Uses and Associated Structures.
   1. Legal nonconforming single-family dwellings or duplexes and accessory structures may undergo expansion or alteration within an existing legal lot, provided such expansion does not violate standards for setbacks, height, or other applicable code provisions. Such expansions shall be subject to Type I review under this code.
   2. Legal nonconforming uses and associated structures other than single-family dwellings or duplexes may undergo expansion or alteration, subject to compliance with all of the following listed criteria. Conditions of approval shall be required as necessary to ensure compliance. Such proposed expansions or alterations shall require site plan approval under Section 40.520.040. Substantive requirements of Section 40.520.040 which cannot be complied with because of the nature of the existing use may be modified at the discretion of the responsible official. Conditional use permit approval under Section 40.520.030 may also be required if the responsible official finds that the proposed expansion raises significant community concerns relative to the criteria of this chapter.
      a. The proposed expansion or alteration will not increase the extent of adverse impacts to the surrounding area and its character, or increase the extent of adverse impacts to future development likely to occur in the surrounding area consistent with the underlying zoning district; and
      b. The proposed expansion or alteration is limited to the legal lot of record of the existing use, unless expansion to adjacent lots serves to limit potentially adverse impacts; and
      c. The proposed expansion or alteration fully complies with all applicable local, state or federal requirements.
   3. In considering approval of the proposed expansion or associated conditions thereof, the responsible official may apply the standards of the underlying zoning district and those of the zoning district in which the expanding use is normally allowed, as deemed necessary to ensure compliance with the intent of this chapter.
   4. The responsible official may also consider applications for expansion or alteration of existing nonconforming uses which have been established pursuant to a valid planned unit development, site plan approval or covenant agreement with the county, subject to the following:
      a. To consider alteration or expansion under this subsection, at least thirty percent (30%) of total public infrastructure construction of the development authorized by the covenant must have been completed; and
      b. All applicable provisions of the planned unit development, site plan approval or covenant agreement shall be fully complied with; and

c. The responsible official may apply specific standards of the zoning district established by the covenant, planned unit development or site plan approval, rather than standards of the underlying zoning district, as deemed necessary to ensure compliance with this chapter.

D. Destruction of Legal Nonconforming Uses. If a structure containing a nonconforming use is destroyed by any cause leading to a loss of sixty percent (60%) or greater of appraised value as determined by the records of the County Assessor from the previous year, any future structure on the site shall conform to regulations of the underlying zoning district.

40.530.060 LEGAL NONCONFORMING STRUCTURES AND SIGNS

A. Legal nonconforming structures may be altered, expanded or replaced only if such alteration, expansion or replacement is fully consistent with current applicable requirements, except as to those standards related to the legally established nonconformity of the structure, and if one (1) of the following is met:
   1. Such alteration, expansion or replacement does not increase the extent of structural nonconformity; or
   2. Such alteration, expansion or replacement is necessary and required to make the structure safe for occupancy as required by building, health, fire, or other applicable standards.

B. Legal nonconforming signs may be relocated to a non-residential zone of equal or greater intensity to the zone within which the sign is currently located when necessary due to the acquisition of land by the public for right-of-way or other public use as follows:
   1. Approval of a Type I site plan review for relocation of a sign from the public land immediately to the rear of its existing location, subject to the provisions of Chapter 40.310. Such approval shall be valid for a period of seven (7) years;
   2. Approval of a Type II site plan review for relocation of a sign from the public land to property up to six hundred (600) feet of the original site along the same roadway, subject to the provisions of Chapter 40.310. Such approval shall be valid for a period of seven (7) years.

40.540 BOUNDARY LINE ADJUSTMENTS AND LAND DIVISIONS

40.540.010 BOUNDARY LINE ADJUSTMENTS

A. A Boundary Line Adjustment (BLA) is a division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

B. Boundary line adjustments recorded through the County Assessor's office do not ensure such adjustments meet current zoning requirements. BLA applications approved through the Department of Community Development ensure compliance with current zoning requirements, and are reviewed and approved through a Type I process, pursuant to Section 40.510.010.

C. Blanket utility easements existing along lot lines, that are specifically required as a condition of development approval, may be moved during a boundary line adjustment; provided, there is compliance with RCW 64.04.175 and the easement is not occupied by a utility. If the easement is occupied, this provision is inapplicable, and the provisions of Section 40.540.120 and RCW 64.04.175 shall apply.

D. Application submittal requirements for BLA's include:
   1. A completed application form;
   2. The appropriate fee;
   3. Sales history since 1969 for each parcel to include:
      a. copies of all deeds or real estate contracts showing previous owners or division of the original parcel;
      b. prior segregation requests;
      c. prior recorded surveys; and
      d. other information demonstrating compliance with the approval criteria.
   4. A site plan showing current conditions, including:
      a. the applicant's and contact person's name, mailing address and phone number;
      b. owner's name and address;
      c. layout and dimensions of parcels drawn to scale (minimum 8.5x11 inches);
      d. north arrow (oriented to the top, left or right of page), scale and date;
      e. area of existing sites in acres or square feet;
      f. location of all existing buildings/structures, septic tanks and drainfields, wells and on-site utilities, and their distance in feet from all property lines;
      g. public and private roads and their dimensions and location; and
      h. private road and utility easements and their dimensions and location.
   5. A site plan showing proposed conditions, including:
      a. layout and dimensions of adjusted parcels drawn to scale (minimum 8.5x11 inches);
      b. north arrow (oriented to the top, left or right of page), scale and date;
      c. area of adjusted sites in acres or square feet;
      d. location of all existing buildings/structures, septic tanks and drainfields, wells and on-site utilities, and their distance in feet from all property lines;
      e. public and private roads and their dimensions and location; and
      f. private road and utility easements and their dimensions and location.

40.540.020 LAND DIVISION - INTRODUCTION

A. Purpose. In addition to those purposes set forth in RCW 58.17.010, the following purposes are also essential to the regulation of the subdivision of land within the unincorporated areas of the county:
   1. To promote the effective utilization of land;
   2. To make adequate provision for the housing, commercial, and industrial needs of the county;
   3. To prescribe procedures for the subdivision of land in accordance with officially adopted plans, policies, and standards, including the provisions of any adopted zoning ordinance; and

4. To provide for the efficient processing of subdivision applications without undue delay.

B. Applicability
   1. Plat, short plat or other review required. All divisions of land, except those specifically listed in subsection (B)(4) of this section, shall be subject to the provisions of the applicable portions of RCW 58.17 and this chapter.
   2. Agreement to transfer land after preliminary plat approval. Agreements to transfer land prior to final plat or short plat is authorized; provided, that the performance of an offer or agreement to sell, lease or otherwise transfer a lot, tract or parcel of land following preliminary plat or short plat approval is expressly conditioned on the recording of the final plat or short plat containing the lot, tract or parcel.
   3. Redivisions. Any division of land occurring after June 20, 1989, which is exempt from review under RCW 58.17.040(2) and subsection (B)(4)(b) shall not be further divided using the short plat process for a period of five (5) years following the date of such exempt division.
   4. Exemptions. The provisions of this chapter shall not apply to the following:
      a. Cemeteries and burial plots while used for that purpose.
      b. Divisions of land into lots or tracts, each of which is one thirty-second (1/32) of a section of land or larger, or twenty (20) acres or larger, if the land is not capable of description as a fraction of a section of land. For purposes of computing the size of any lot under this item which borders on a street or road, excluding limited-access streets or roads, the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street, and the side lot lines of the lot running perpendicular to such centerline.
      c. Divisions of land which are the result of the actions of governmental agencies, such as condemnation for road construction purposes.
      d. Divisions of land made by testamentary provisions, or the laws of descent.
      e. Divisions of land into lots or tracts classified for industrial or commercial use, when the responsible official has approved a "binding site plan" for use of the land in accordance with Section 40.520.040(B).
      f. Divisions of land made for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land, when the responsible official has approved a "binding site plan" for the use of land in accordance with Section 40.520.040.
      g. Divisions of land made by subjecting a portion of a parcel or tract of land to RCW 64.32.
      h. Divisions of land made by court order; provided, the divisions shall comply with all other provisions of the UDC.
      i. A boundary line adjustment pursuant to Section 40.540.010.
      j. A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures.

40.540.030 SHORT PLATS

A. Purpose. The purpose of this section is to provide a process to divide property into four (4) or fewer lots with a level of review that is proportional to the effect those lots may have on the surrounding area.

B. Pre-application review for a preliminary short plat. A preliminary short plat shall be subject to pre-application review as provided in Section 40.510.020(A) unless waived as permitted by that section. An applicant for pre-application review of a preliminary short plat shall submit the requisite fee, a completed pre-application review form provided for that purpose by the responsible official, and the information listed in Section 40.510.050.

C. Preliminary short plat application.
   1. An applicant for review of a preliminary short plat shall submit the requisite fee, a completed application review form provided for that purpose by the responsible official, and one (1) copy of the information listed in Section 40.510.050 of this code.

2. Counter complete and fully complete review of a preliminary short plat application shall be conducted as a Type I process. Review of the application shall be conducted as a Type II process. Appeal and post-decision review of Type I and II actions are permitted as provided in Chapter 40.510.

D. Approval criteria for a preliminary short plat. The responsible official shall approve a preliminary short plat if the applicant has sustained the burden of proving that the application complies with the approval criteria in Section 40.540.040(D) or that the application can comply with those criteria by complying with conditions of approval, and those conditions are adopted.

E. Approval criteria for tracts for non-building purposes. Tracts established for the purpose of providing utilities, access or stormwater facilities shall not apply to the maximum number of lots permitted through the short plat process. A covenant(s), or a note(s) on the plat, shall be recorded to ensure tracts will be used only for the intended non-building use. If at some time, a non-building tract is able to be developed under the provisions of county code, completion of a separate platting process shall be required to establish the tract as a legal building lot.

F. Expiration of preliminary short plat approval. The expiration and extension of preliminary short plat approvals are determined pursuant to Section 40.500.010(B).

G. Final short plat application. An applicant for review of a final short plat shall submit the requisite fee, a completed application review form provided for that purpose by the responsible official, and copies of the information as required by Section 40.540.070. Review of a final short plat shall be conducted as a Type I process.

H. Waiver of survey requirement. Survey requirements may be waived by the County Engineer if the following conditions exist:
1. The short plat contains no more than two (2) lots, and approval has not been granted to the same owner for other lots within the property in which the proposed short plat is located.
2. The short plat is not a further division of a previously recorded, unsurveyed short plat.
3. The short plat is not located within any area designated as urban or suburban residential by the comprehensive plan.
4. The estimated cost to survey the property, including necessary ties, would exceed ten percent (10%) of the valuation of the land as listed or as on file with the records of the County Assessor. Estimates must be obtained from two (2) firms. Each estimate submitted must be in writing and be prepared by a land surveyor registered in the state of Washington.

40.540.040 SUBDIVISIONS

A. Pre-application submittal requirements.
1. An application for a preliminary plat for a subdivision shall be subject to pre-application review as provided in Section 40.510.030(A) unless waived as permitted by that section.
2. An applicant for a pre-application review of a preliminary plat for a subdivision shall comply with the submittal requirements in Section 40.510.050 of this code.
3. Site-specific information should be provided if it is available or if the condition is significant. Where known by the applicant, the boundaries of these conditions should be shown on the preliminary plat. The level of detail provided in the pre-application materials may be less than in an application for preliminary plat review. For instance, a wetland reconnaissance that does not involve detailed on-site investigation may be appropriate for a pre-application review. If the reconnaissance shows wetlands are reasonably likely to exist on a site, a more detailed wetlands delineation and assessment may be needed for the preliminary plat. Failure of the applicant to provide site-specific information for pre-application review may prevent the review authority from identifying relevant issues or providing the most effective review early in the process.
4. Information not provided on the form shall be provided on the face of the preliminary plat, in an environmental checklist or on other attachments. The responsible official may modify or waive requirements for pre-application materials and may conduct a pre-application review with less than all of

the required information. However, failure to provide all of the required information may prevent the responsible official from identifying all applicable issues or providing the most effective pre-application review will preclude the application from contingent vesting pursuant to Section 40.510.020(G).

B. Application submittal requirements for review of a preliminary subdivision plat.
   1. Counter complete and fully complete review of an application for approval of a preliminary plat for a subdivision shall be conducted as a Type I process.
   2. Review of a fully complete application of a subdivision shall use a Type III process. Appeal and post-decision review are permitted as provided in Chapter 40.510 and Section 40.520.060.
   3. An applicant for a review of a preliminary plat for a subdivision shall comply with the submittal requirements in Section 40.510.050 of this code.

C. Subdivisions of properties zoned commercial and industrial. Preliminary plats for commercial and industrial properties shall comply with all of the requirements of this chapter, except that only blocks and street layout need be shown.

D. Approval criteria for a preliminary plat application. The review authority shall approve a preliminary plat if he or she finds the applicant has sustained the burden of proving that the application complies with the following approval criteria or that the application can comply with those criteria by complying with conditions of approval:
   1. The preliminary plat is in the public interest;
   2. The proposal complies with all applicable standards in this code or variations therefrom permitted by law, including:
      a. Subtitle 40.1 Introduction and Administration;
      b. Subtitle 40.2 Land Use Districts;
      c. Subtitle 40.3 Design Standards;
      d. Subtitle 40.4 Critical Areas;
      e. Subtitle 40.5 Procedures;
      f. Subtitle 40.6 Impact Fees, and
      g. Title 15 Fire Prevention.
   3. If a phasing plan is proposed, then the applicant also shall show:
      a. The phasing plan includes all land within the preliminary plat,
      b. Each phase is an independent planning unit with safe and convenient circulation and with facilities and utilities coordinated with requirements established for the entire subdivision, and
      c. All road improvement requirements are assured.

E. Expiration and extensions of preliminary plat approval. The expiration and extension of preliminary plat approvals are determined pursuant to Section 40.500.010(B).

40.540.050 PARK SITES RESERVATION

A. Parks. Proposed community parks and recreation sites, major urban park sites, regional park sites and other park and recreation sites serving an area larger than that of the proposed subdivision or short subdivision area that are located in whole or in part in the proposed subdivision or short subdivision as indicated in the park plan elements of the comprehensive plan or other adopted plans or policies of the county, may be required to be reserved by the subdivider when recommended by the Clark County Parks Director, for purchase by the public within a one year period of time after final subdivision approval.

B. Open space and greenbelts. Portions of the county designated in the park plan element of the comprehensive plan or other adopted plans and policies of the county for regional open space or greenbelt systems and located within a proposed subdivision may be required to be reserved by the subdivider when recommended by the Clark County Parks Director for purchase by the public within a one (1) year period of time after final subdivision approval.

C. Separate from plat. All reservations shall be considered independently of the proposed subdivision or short subdivision for any of the purposes of this chapter.

40.540.060 DRAFTING STANDARDS – PRELIMINARY AND FINAL PLATS

A. Preferred scale proportions. The preferred scale proportions for preliminary and final plats are ratios as follows: (1) one to six hundred (1:600) (1 inch = 50 feet); (2) one to one thousand, two hundred (1:1,200) (1 inch = 100 feet); or (3) one to two thousand, four hundred (1:2,400) (1 inch = 200 feet); but in no case shall the proportion exceed one to two thousand four hundred (1:2,400).

B. Final plat drawing requirements.
   1. The final plat shall either (a) be drawn with ink upon 3-mil Mylar film, or equivalent, or (b) consist of a photo Mylar with a fixed silver halide base; said sheets to be either (a) thirty (30) inches by twenty-one (21) inches or (b) thirty-six (36) inches by twenty-four (24) inches, with a one- (1) inch border on each side.
   2. The following layers of the final plat shall be prepared as a drawing interchange file (DXF). This digital file shall be saved on a 3.5" high density disk, CD-ROM, or transmitted via electronic mail. The submitted DXF shall conform to the layering scheme in Table 40.540.060-1:

Table 40.540.060-1. DXF Layers

Layer Description	Feature Type
Parcel Boundary	Line
Road Centerline	Line
Road Right-of-Way	Line
PLSS Corner	Point
Road Name	Text
Parcel Lot Number	Text

C. Lettering.
   1. For the hard copy submittal, lettering shall be at least eight one-hundredths (0.08) inch high, in uppercase letters with line weight and lettering style suitable for reduction and microfilming. The perimeter of the final plat shall be depicted with heavier lines (dashed) than the remaining portion of the plat.
   2. For the Digital file, the text shall be configured as follows:
      a. The size and the orientation of lot numbers shall be such that the entire text string is within the parcel boundary.
      b. The street name shall be in capital letters.

D. Location. All data necessary for the location in the field of all points within the plat shall be shown. Straight lines shall be designated with bearing and distance; curves shall be designated by arc length, central angle, and radius. All dimensions shall be in feet or meters, and decimals thereof to the nearest one-hundredth (0.01) of a foot, or five-thousandths (0.005) of a meter; except that angles shall be in degrees to the nearest second.

40.540.070 FINAL PLAT

A. Application form. An application form shall be provided by the department, and shall contain the following information:
   1. Plat name;
   2. Name, mailing address and telephone number of owner and/or developer, and surveyor of the plat;
   3. Location;
   4. Date;
   5. Acreage;
   6. Number of lots;
   7. Zoning designation; and

8. Comprehensive Plan designation.

B. Submittal requirements. All of the materials listed below must be submitted for a fully complete application, unless otherwise authorized by the responsible official:
   1. Completed application form;
   2. Application fee pursuant to CCC Title 6;
   3. Proposed final plat:
      a. Proposed final plat – map data: The final plat shall be prepared in compliance with the drafting standards in Section 40.540.060 and shall include the following:
         (1) Subdivision name;
         (2) Legend;
         (3) Location, including one-quarter (1/4) section, section, township, range, and, as applicable, donation land claim and/or subdivision;
         (4) Boundary survey;
         (5) Lot, block and street right-of-way and centerline dimensions;
         (6) Street names;
         (7) Scale, including graphic scale, north arrow and basis of bearings;
         (8) Identification of areas to be dedicated;
         (9) Surveyor's certificate, stamp, date and signature;
         (10) Signature blocks for the following:
            (a) County Engineer;
            (b) County Auditor;
            (c) Chairperson, Board of County Commissioners;
            (d) County Assessor;
            (e) Clark County Health Department; and
            (f) The responsible official;
         (11) Special setbacks (if any);
         (12) Private easements (if any);
         (13) Utility easements; and
         (14) Walkways (if any).
      b. Mathematical closures.
      c. Proposed final plat—copies.
         (1) The number of copies ("bluelines") of the proposed final plat established by the responsible official, and
         (2) One (1) reduced copy of the proposed final plat at a scale of 1 inch = 200 feet.
   4. Final wetland permit, if applicable.
   5. Final habitat permit and mitigation plan, if applicable.
   6. Construction Plan Approval Letter, Sight Distance Compliance Letter or County approved approach permit:
      a. Where improvements are required, construction plan approval letters for the design of required improvements pursuant to Section 40.540.080 shall be submitted.
      b. For developments that do not require the submittal of construction plans, a Sight Distance Compliance Letter and/or a copy of the associated county approved approach permit shall be submitted. The compliance letter, verifying compliance with Chapter 40.350, shall be stamped, signed and dated by a Professional Civil Engineer registered in the state of Washington.
   7. Frontage Road Improvement Agreement, if applicable.
   8. Written acceptance of the final public and private improvements or performance guarantee pursuant to Section 40.540.080, if applicable.
   9. Legal documentation. The following signed and notarized original documents shall be provided:
      a. A certificate of title;
      b. Certification for Platting from a Title Company;
      c. Dedication of Plat. A plat certificate shall be provided, including dedications, if any (RCW 58.17.165). The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing;

d. A treasurer's certificate;
e. Legal description of the boundary which has been certified by the land surveyor shall be provided, with seal and signature as being an accurate description of the lands actually surveyed;
f. Conditions, covenants and restrictions, notes, and/or binding agreements as required by this code, SEPA, conditions of preliminary plat approval or other law, including but not limited to the following:
(1) Private road maintenance agreement, if applicable;
(2) Recorded conservation covenant, if applicable; and
(3) Late-comer's agreement, if applicable.
g. Verification that fees have been paid for stormwater and roadway improvements, if applicable.
h. Copy of recorded public and private offsite easements and right-of-way dedications for required improvements; and
i. Other legal documents required pursuant to the preliminary plat decision.

10. Supporting documentation. Additional fees and documentation may be required, including the following:
a. Final archaeology comments;
b. Receipt showing payment of concurrency modeling fees;
c. Landscaping covenants;
d. Verification of the installation of required landscape. Prior to recording the final plat, the applicant shall provide verification in accordance with Section 40.320.030(B) that the required landscape has been installed in accordance with the approved landscape plan(s); and-
e. Other supporting documents required pursuant to the preliminary plat decision.
11. Mylar and digital file. Upon compliance of the final plat and the construction plans with all preliminary plat conditions and with all applicable, adopted statutes and local ordinances, the responsible official shall request submittal of the final plat Mylar(s) for signature and submittal of a digital file for layers specified in Section 40.540.060 that conforms to all applicable requirements discussed in Section 40.540.060. If the applicant chooses, the county will prepare the digital file based upon the submitted Mylar. The applicant shall provide payment for the preparation of the digital file in accordance with Section 6.110A.040E. Additionally, the responsible official shall forward the digital file to the Department of Assessment and GIS.

D. Final plat procedure.
1. Final plat applications are subject to a Type I review pursuant to Section 40.510.010.
2. An applicant requesting final approval of a plat shall submit to the responsible official copies of the materials specified in Section 40.540.070(B).
3. The responsible official shall review each submittal package for counter-completeness before initiating processing. Incomplete submittals will be returned to the applicant. An application shall not be deemed fully complete until all legal requirements and conditions of approval that are required to be fulfilled before final plat have been met.
4. The department shall coordinate the final subdivision review among the appropriate county departments. The applicant shall be responsible for coordination with other agencies.
5. Upon consideration of the approval criteria below, the responsible official shall sign and forward the final plat to the board as provided by RCW 58-17.15.-
a. The plat is in proper form for recording as established by the submittal requirements;
b. The final plat map and mathematical closures are in compliance with the survey standards set forth in Chapter 40.540.100;
c. All required improvements have been completed or the arrangements or contracts have been entered into to guarantee that such required improvements will be completed;
d. The final plat is in conformance with conditions of preliminary plat approval. Final plats for commercial and industrial properties shall be in substantial conformance with the preliminary plat if lot sizes are within the range of lot sizes proposed for the preliminary plat.
e. The final plat complies with the requirements of this chapter and all applicable, adopted statutes and local ordinances.
6. The board, upon consideration of the final subdivision at a public meeting, shall sign the final plat accepting such dedications and easements as may be included thereon. Written notice of the board's decision shall be provided to the applicant and the applicant's representative.

7. Recording. Upon approval of the final plat by the board, and after all other statutory requirements have been met, the plat shall be recorded by the County Auditor pursuant to Section 40.540.110.

40.540.080 CONSTRUCTION OF REQUIRED IMPROVEMENTS

A. Construction plans. Where improvements are required, plans for such improvements shall be submitted to the County Engineer, who shall review them for conformance with conditions of preliminary plat approval and other adopted county standards as of the date of preliminary plat approval. Approval shall be given by the signature of the County Engineer on the improvement plans. Improvements shall be designed by or under the direct supervision of a licensed engineer where required by statute (RCW 18.08, 18.43, and 18.96). The licensed engineer shall certify same by seal and signature. All construction plans shall comply with the provisions of Subtitle 40.3, and in addition to the above certification shall contain the following:
   1. Subdivision name;
   2. Name, mailing address, and telephone number of engineer preparing the plan; and
   3. Date (month and year).

B. Construction prior to final plat approval bonds.
   1. In lieu of the completion of any required public improvements prior to approval of a final plat, the County Engineer may accept a bond, in an amount and with surety and conditions satisfactory to him, or other secure method as the County Engineer may require, providing for and securing to the county the actual construction and installation of such improvements within a period specified by the County Engineer, and specified in the bond or other agreement; and to be enforced by the County Engineer by appropriate legal and equitable remedies.
   2. Construction shall not start prior to both the construction plans having been signed by the County Engineer and the final plat survey computations having been approved by the County Engineer; except that rough grading operations may proceed before the plans are approved by the County Engineer under the following conditions:
      a. The grading plan is submitted separately, along with an application for the grading permit;
      b. The grading plan is in conformance with the approved preliminary plat;
      c. The grading plan will not be in substantial conflict with the street profiles and drainage structure plans; and
      d. The grading permit is issued.

40.540.090 MONUMENTATION

A. Imprinted monumentation. All monuments set in subdivisions and surveyed short subdivisions shall be at least one-half (½)-inch × twenty-four (24)-inch steel bar or rod, or equivalent, with durable cap imprinted with the license number of the land surveyor setting the monument.

B. Centerline monumentation. After paving, except as provided in Section 40.540.090(E), monuments shall be driven flush with the finished road surface at the following intersections:
   1. Street centerline intersections.
   2. Points of intersection of curves if placement falls within the paved area; otherwise, at the beginnings and endings of curves.
   3. Intersections of the plat boundaries and street centerlines.

C. Property line monumentation. All front corners, rear corners, and beginnings and endings of curves shall be set with monuments, except as provided in subsection 40.540.090(E). In cases where street curbs are concentric and/or parallel with front right-of-way lines, front property-line monumentation may be provided by brass screws or concrete nails at the intersections of curb lines and the projections of side property lines. If curb monumentation is used, it shall be noted on the plat, and also that such monumentation is good for projection of line only and not for distance.

D. Post-monumentation. All monuments for the exterior boundaries of the subdivision shall be set and referenced on the plat prior to plat recording. Interior monuments need not be set prior to recording if the developer certifies that the interior monuments shall be set within ninety (90) days of final subdivision construction inspection by the County Engineer, and if the developer guarantees such interior monumentation.

1. The developer shall sign the following certification, which shall be recorded with the plat dedication, if post-monumentation of the interior monuments is chosen:

   DEVELOPER'S CERTIFICATION FOR POST-MONUMENTATION
   I, , certify that the post-monumentation of the interior monuments
   of this plat shall be accomplished within ninety (90) days of final acceptance
   of subdivision construction by the County Engineer for Clark County, Washington.
   (Signature)

2. The land surveyor shall clearly note on the face of the plat which corners are to be post-monumented. After performing any post-monumentation, the land surveyor shall certify that the interior monuments have been set in compliance with the final plat, and shall record the following certification with the county auditor:

   I, , certify that I have set the interior monuments for " ", a subdivision plat recorded in Book , Page , Records of Clark County, and that said monuments are set in compliance with said final plat.
   DATED this day of , 20 .
   (License number, seal, and signature of surveyor)

3. If the surveyor cannot certify that the monuments are in compliance with the final plat, the discrepancy shall be resolved by filing an amended final plat in accordance with the provisions of Section 40.540.070.

E. Post-monumentation bonds. In lieu of setting interior monuments prior to final plat recording as provided in Section 40.540.090(C), the County Engineer may accept a bond in an amount and with surety and conditions satisfactory to him, or other secure method as the County Engineer may require, providing for and securing to the county the actual setting of the interior monuments as provided in Section 40.540.090(C), and to be enforced by the County Engineer by appropriate legal and equitable remedies.

40.540.100 SURVEY STANDARDS

A. Standards. All surveys shall comply with standards set forth by state statutes, drafting standards of this title, and WAC 332-130, except that linear closures after azimuth adjustment shall be at least a ratio of one to ten thousand (1:10,000) for WAC 332-130 (1)(c)(d)(e). Where conflicts are identified, the most restrictive standard shall prevail.

B. Elevations or vertical information. Where required, any elevations or vertical information shall have an accuracy of third-order specifications as published by the U.S. Department of Commerce in a bulletin entitled, Classification, Standards of Accuracy, and General Specifications of Geodetic Control Surveys, and benchmarks with the datum used shall be shown on the plat.

40.540.110 RECORDING LAND SURVEYS

A. Purpose. The purpose of this chapter is to implement the Survey Recording Act (Chapter 50, Laws of 1973) and to assist in preserving evidence of land surveys by establishing fees for recording a public record as prescribed by the act.

B. Record of survey. The record of land surveys shall be a size as prescribed by the county auditor and filed according to a fee schedule established by the county surveyor and based on costs incurred.

C. Record of survey—Copies. Copies of the record of survey shall be provided on request according to a fee schedule to be established by the county surveyor, and shall be based on costs incurred.

D. Record of monument. The record of monument shall be filed without charge on the standard form prescribed by the Department of Natural Resources, Bureau of Survey and Maps.

E. Record of monument —Copies. Copies of the record of monument shall be provided on request according to a fee schedule established by the county surveyor and based on the incurred costs.

F. Plat check. A fee pursuant to Chapter 6.110A will be charged payable at the time of submittal of final plat.

G. Land survey office to be self-sustaining. It is the intent that the county land survey office shall be self-sustaining by survey recording fees and plat checking fees.

H. Deputy auditor. The county surveyor shall be sworn in as a deputy auditor and shall report to the director of the department of public works.

40.540.120 ALTERATION AND VACATION OF FINAL PLATS

A. Purpose. The purpose of this section is to provide procedures and criteria for the alteration and vacation of recorded plats and short plats consistent with state law (RCW 58.17.215, 217). No recorded short plat or subdivision shall be changed in any respect, except as processed and approved through this section unless exempt from this chapter as indicated in Section 40.540.020(B)(4). This process cannot be used to create additional lots, tracts or parcels.

B. Process.
   1. Pre-application Review. Pre-application review is required for all plat alteration or vacation applications in accordance to Section 40.510.020(A).
   2. Preliminary Approval. Preliminary approval of a plat alteration shall be considered a Type II application pursuant to Section 40.510.020 provided the following:
      a. A public hearing shall be required for alteration proposals if a hearing is requested by any person within twenty-one (21) days from the date the public comment period began or if the department determines that the public hearing is within the public interest. Where a public hearing is requested or required the department shall consider the application a Type III process and refer the application to the hearings examiner for consideration. Notices required pursuant to Section 40.510.030(E) shall include language notifying the public of the alterative hearing process provided for by this section.
      b. If a public hearing is not requested for a proposed alteration, the responsible official is delegated the authority to review and approve, approve with conditions or deny the application for preliminary approval. The final revised drawing or other alteration, if approved, shall be signed by the legislative body, without a public hearing.
      c. All applications for vacation of a recorded plat shall be considered Type III applications and are not eligible for the alternative hearing process.
      d. In addition to the notice requirements of Section 40.510.030(E), notice of the proposed alteration or vacation shall include all property owners holding an interest in the entire subdivision to be altered, including all phases.
   3. Final Approval. Within five (5) years of the date of preliminary approval of the vacation or alteration, the applicant shall submit for final plat approval through the final plat process of Section 40.540.070. If the nature of the plat alteration is minor, the review authority may set appropriate conditions and processes for final review and recording of the alteration at the time of preliminary approval.

C. Pre-application submittal requirements for a plat alteration or plat vacation. An applicant for a pre-application review of a proposed plat alteration or plat vacation shall submit an original and the number of individually bound copies as established by the responsible official of the following materials:
   1. A completed original application form provided by the responsible official and signed by the applicant;
   2. The requisite fees as specified in Title 6 of Clark County Code;
   3. A copy of the recorded plat including 11” × 17” reductions of any oversized materials;
   4. Restrictive covenants (if any);
   5. The proposed revised plat map;

6. A narrative describing the nature, purpose, and desired effect of the proposed alteration or vacation; and
7. The following maps (as available from the department of community development through the "developer's GIS packet"):
    a. General location map;
    b. Elevation contours map;
    c. Aerial photography map (most recent year currently available through the Community Development department);
    d. Aerial photography with contours;
    e. Current zoning map;
    f. Current comprehensive plan map;
    g. Map of C-Tran bus routes, park and trials;
    h. Water, sewer, and storm systems map;
    i. Soil type map;
    j. Environmental constraints map; and
    k. Quarter section map.

D. Application submittal requirements for a plat alteration or plat vacation. An applicant for a plat alteration or vacation shall submit the number of individually bound copies as established by the responsible official of the following materials:
1. A completed original application form provided by the responsible official signed by the majority of those persons having an ownership interest of lots, tracts, parcels, sites or divisions in the subject plat or portion thereof to be altered. Applications for the vacation of plats shall include signatures of all property owners having an ownership interest;
2. The requisite fees as specified in Title 6 of Clark County Code;
3. A copy of the recorded plat including 11" × 17" reductions of any oversized materials;
4. Current recorded deeds or real estate contracts for each lot to be altered;
5. Restrictive covenants;
6. The proposed revised plat map;
7. A narrative explaining how the proposed alteration or vacation meets or exceeds the applicable approval criteria and standards and any issues raised during the pre-application process;
8. Documentation from any person, utility, company or other entity having a vested interest in any easement proposed to be altered or vacated that they agree to the alteration or vacation;
9. The following maps (as available from the department of community development through the "developer's GIS packet"):
    a. General location map;
    b. Elevation contours map;
    c. Aerial photography map (most recent year currently available through the Department of Community Development);
    d. Aerial photography with contours;
    e. Current zoning map;
    f. Current comprehensive plan map;
    g. Map of C-Tran bus routes, park and trails;
    h. Water, sewer, and storm systems map;
    i. Soil type map;
    j. Environmental constraints map; and
    k. Quarter section map.
10. Pre-application conference summary; and
11. Existing conditions map including all of the following within fifty (50) feet of the proposed alteration:
    a. Streets;
    b. Location(s) of any existing building(s);
    c. Location and width of existing easements for access, drainage, utilities, etc. if not already on the plat;
    d. Name, location and width of existing rights-of-way, if not already on the plat;
    e. Location and width of existing driveways; and
    f. Other items that are relevant to the approval standards for the alteration or vacation.

E. Approval criteria for plat alterations and vacations.
   1. The review authority may approve plat alteration requests if the following criteria is met:
      a. The plat alteration is within the public interest; and
      b. The approval criteria in Section 40.540.040(D), as applicable to the proposed plat alteration, is met; and
      c. The approval of the plat alteration will not result in the violation of any requirements of the original approval unless conditions necessitating such requirements have changed since the original plat was recorded.
   2. The review authority may approve the vacation of a plat if it is in the public interest.

F. Limitations.
   1. If the plat or portions of the plat contain restrictive covenants which were filed with the plat and the proposed alteration will result in the violation of a covenant, the application shall contain an agreement signed by all parties to the covenant providing that all parties agree to alter or revoke the covenants specified in the application.
   2. Vacations of county roads may be approved through this process only when the road vacation is proposed with the vacation of a subdivision or portions thereof. Vacations of roads may not be made that are prohibited under RCW 36.87.130 and CCC Chapter 12.28.
   3. If any land within the alteration contains a dedication to the general use of the persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.
   4. Blanket utility easements existing along the lot lines, but not specifically required as a condition of development approval, may be moved during a boundary line adjustment; provided, there is compliance with RCW 64.04.175 and the easement is not occupied by a utility. If the easement is occupied, the provisions of this section and RCW 64.04.175 shall apply.

40.550 MODIFICATIONS AND VARIANCES

40.550.010 ROAD MODIFICATIONS

A. Criteria.
   1. Modifications to the standards contained within Chapter 40.350 may be granted in accordance with the procedures set out herein when any one of the following conditions are met:
      a. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.
      b. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship.
      c. An alternative design is proposed which will provide a plan equal to or superior to these standards.
      d. Application of the standards of Chapter 40.350 to the development would be grossly disproportional to the impacts created.
   2. In reviewing a modification request, consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors, such as to advance the goals of the comprehensive plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact. Self-imposed hardships shall not be used as a reason to grant a modification request.

B. Categories. For the purpose of processing, modification requests fall within the following two categories:
   1. Administrative Modification. Administrative modification requests deal with the construction of facilities, rather than their general design, and are limited to the following when deviating from the standard specifications:
      a. Surfacing materials for roads or pedestrian facilities;
      b. Asphalt and/or base rock thickness less than required;
      c. Pavement marking layout;
      d. Exceeding the maximum street grade;
      e. Type and/or location of signage;
      f. Channelization;
      g. Intersection interior angles and curb radii less than required;
      h. Utilizing the current set of standards in lieu of the standards that were in place when the applicant's proposed project was vested;
      i. Access-related modifications onto collectors and state routes; provided, other substantive criteria such as sight distance and limited access points are met; and provided further, that access to a lesser classification of road is not available.
      j. Field changes during construction; and
      k. Similar revisions to the standards.

C. Design Modifications. Design modifications deal with the vertical and horizontal geometrics and safety related issues and include the following when deviating from the standard specifications:
   1. Reduced sight distances;
   2. Vertical alignment;
   3. Horizontal alignment;
   4. Geometric design (length, width, bulb radius, etc.);
   5. Design speed;
   6. Crossroads;
   7. Access policy;
   8. A proposed alternative design which will provide a plan superior to these standards; and
   9. All other standards.

D. Procedures. A modification request shall be classified as administrative or design by the County Engineer.
   1. Administrative Modification. Administrative modifications may be requested at any time by filing a written application with the County Engineer. The application shall include sufficient technical analysis to enable a reasoned decision. The County Engineer shall provide a written decision on the application. No fee is applicable to the administrative modification.
   2. Design Modification. Design modifications shall be proposed in conjunction with the application for the underlying development proposal in accordance with Chapter 40.500. Design modification requests shall be processed in conjunction with the underlying development proposal; provided, that where the modification request is filed subsequent to the decision on the development proposal, such request shall be processed in accordance with the post-decision review procedures of Section 40.520.060 and subject to the fees listed in CCC Title 6. The design modification application, to be filed with the responsible official, shall:
      a. Include a written request stating the reasons for the request and the factors which would make approval of the request reasonable;
      b. Be accompanied by a map showing the applicable existing conditions and proposed construction such as contours, wetlands, significant trees, lakes, streams and rivers, utilities, property lines, existing and proposed roads and driveways, existing and projected traffic patterns, and any unusual or unique conditions not generally found in other developments;
      c. In the case of modification requests based upon alleged disproportionality, include an engineering analysis of the standard sought to be modified which contrasts relevant traffic impacts from the development with the cost of complying with the standard; and
      d. For crossroad and frontage construction and right-of-way dedication, shall include information indicating whether there are geographic or other factors which render connection/completion of the road unlikely.

E. Infill Road Modifications. In order to encourage and facilitate infill development, the following road standards may be considered for administrative road modification for residential infill developments pursuant to Section 40.260.110.
   1. Partial or full frontage improvements, if consistent with existing or anticipated neighborhood roadways. For purposes of this subsection, neighborhood roadways shall mean non-arterial and non-collector roadways providing access to, and located within, 800 feet of the infill development; and/or
   2. Access spacing, if there is no identifiable safety hazard.

F. Road Modification for County Projects. County public road improvements, when varying from the standards of this chapter, are required to meet the road modification procedures for changes in design; provided that a county project may include less than the full planned improvement or allow for staged construction. The submission of construction plan should be considered as development application.

40.550.020 VARIANCES

A. Type I and II (Administrative) variances.
   1. The responsible official may grant a variance to numerical standards including but not limited to: setbacks, buffers, building height, landscaping, lot coverage, lot dimensions and parking standards but not including lot area, density or qualifying standards for programs such as infill or density transfer as provided in this title.
   2. An application for a variance(s) pursuant to this section shall be subject to Type I review if the variance(s) is for less than ten percent (10%) of the numerical standard(s) in question, except as provided in subsection (A)(4) of this section. An application for a variance(s) pursuant to this section shall be subject to Type II review if the variance(s) is for ten percent (10%) to twenty-five percent (25%) of the numerical standard(s) in question, except as provided in subsection (A)(4) of this section. The responsible official may not approve an administrative variance of more than twenty-five percent (25%) of a numerical standard.
   3. The responsible official shall approve an administrative variance(s) if, based on substantial evidence in the record, the applicant has sustained the burden of proving the variance(s) complies with all of the following:
      a. Granting the variance(s) will not substantially detract from the livability or appearance of a residential area or from the desired character of a nonresidential area, or the variance(s) will substantially enhance

the livability or appearance of a residential area or the desired character of a nonresidential area, such as by preserving or protecting significant natural, scenic, historic, cultural, open space or energy resources; and

b. If variances to more than one regulation are being requested, the cumulative effect of the variances shall be consistent with the purpose of the zone in which the site is situated; and

c. Adverse impacts resulting from the variance(s) are mitigated to the extent practical; and

d. The variance(s) does not substantially impair or impede the availability or safety of access that would otherwise exist for vehicles or for pedestrians, or alternative access is provided.

4. Relationship of Administrative Variance to Associated Applications.

a. If an application for an administrative variance is associated with another application(s) subject to this title, or if it is reasonably likely and foreseeable that it will be associated with another application(s) subject to this title, then the application for the administrative variance shall be combined with the associated application(s) for processing and shall be subject to the same procedure type as the highest number procedure type application(s) with which it is combined.

b. If an administrative variance is approved, and, subsequently, an application(s) subject to an equal or higher number procedure type is filed, the decision approving the administrative variance may be altered for good cause by the decision on the merits of subsequent applications(s).

c. If an administrative variance is proposed as a post-decision action, then it shall be subject to the procedure type required in Section 40.520.060.

B. Type III Variances.

1. Approval standards for a Type III variance. The review authority may permit and authorize a variance from the requirements of this title only when unusual circumstances cause undue hardship in the application of this title. A variance shall be made only when all of the following conditions and facts exist:

a. Unusual circumstances of conditions apply to the property and/or to the intended use that do not apply generally to other property in the same vicinity or district; and

b. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district; and

c. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located; and

d. That the granting of such variance will not adversely affect the realization of the comprehensive plan.

C. Application and fee. A request for a variance may be initiated by a property owner or the property owner's authorized agent by filing an application with the responsible official. The application shall be accompanied by a site plan prepared in accordance with Section 40.510.050, and other drawings or material essential to an understanding of the proposed use and its relationship to the surrounding properties. A fee shall be paid to the county at the time of filing the application in accordance with Chapter 6.110A.

40.560 PLAN AND CODE AMENDMENTS

40.560.010 PLAN AMENDMENT PROCEDURES

A. Purpose. The purpose of this section is to provide guidance as to how the comprehensive plan will be updated and amended over time. Amendments to the comprehensive plan may involve changes in the written text or policies of the plan, or in the map designations adopted as part of the plan or to supporting documents, including capital facilities plans. This section states the specific procedures and review criteria necessary to process comprehensive plan amendments. Plan amendments will be reviewed in accordance with the state Growth Management Act (GMA), the countywide planning policies, the community framework plan, the goals and policies of the comprehensive plan, local city comprehensive plans, applicable capital facilities plans, official population growth forecasts and key growth indicators.

B. Overall method of review. Proposed plan amendments that are submitted for review shall be subject to the applicable criteria of this section. The review shall be processed by Type IV procedures in Section 40.510.040. Applications for plan map amendments are generally processed in conjunction with concurrent rezone requests. Zoning map amendments must be to a zone corresponding to the requested comprehensive plan map designation. Concurrent zoning map amendments must meet all the approval criteria of this chapter and zone changes consistent with the comprehensive plan map shall be considered subject to the approval criteria of Section 40.560.020.-

C. Applicability. The criteria and requirements of this section shall apply to all applications or proposals for changes to the comprehensive plan text, policies, map designations, zoning map or supporting documents. For the purposes of establishing review procedures, criteria and timelines, amendments shall be distinguished as follows:

1. Comprehensive plan map changes involving urban growth area (UGA) boundary changes;
2. Comprehensive plan map changes not involving a change to UGA boundaries;
3. Comprehensive plan policy or text changes;
4. Changes to other plan documents (such as capital facilities);
5. Out of cycle amendments limited to the following:
    a. Emergency,
    b. The initial adoption of a subarea plan,
    c. The adoption or amendment of a shoreline master program, and
    d. To resolve an appeal of a comprehensive plan filed with the Growth Management Hearings Board or from a court of competent jurisdiction.

Item (1) may only be initiated by the city or the county at intervals of not less than five (5) years. Items (3), (4) and (5) above may only be initiated by the county. Item (2) above may be initiated by either the county, or a property owner. For the purposes of this section, an emergency exists when delaying action until the next annual review process would result in substantial public harm.

D. Plan map changes—Procedure.

1. Applications for all plan amendments shall be considered legislative actions, subject to Type IV procedures of Section 40.510.040.
2. Site-specific plan map amendments requested by private parties shall be considered legislative actions, subject to Type IV procedures, with the following adjustments:
    a. Site-specific plan map amendment applications recommended for approval by the planning commission shall be automatically scheduled for public hearing in groups based on geographic location and/or land use type before the board to allow assessment of the cumulative impact of the requested changes.
    b. Site-specific plan map amendment applications recommended for denial by the planning commission will not be considered by the board unless a written appeal is filed by the applicant or responsible official with the board within fifteen (15) days following mailed notice of the planning commission's recommendation.

c. Submittal Requirements and Timelines of the Annual Review. All applications for site-specific plan map amendments not involving a change to UGA boundaries requested by parties other than the county shall be submitted as follows:
   (1) Between October 1st and November 30th, applicants shall submit a pre-application form containing all of the following information:
      (a) The pre-application fee, as specified in county fee ordinance;
      (b) Application form signed by the owner(s) of record;
      (c) Description of request;
      (d) GIS packet;
      (e) Related or previous permit activity; and
      (f) A statement on how the plan/zone change request is consistent with all of the applicable policies and criteria in the comprehensive plan and this chapter.
   (2) Between October 15th and January 1st, county staff and applicants shall complete pre-application meetings.
   (3) Between January 1st and February 1st, applicants shall submit an application form containing all of the following including the information required by Section 40.510.030(C)(3):
      (a) The applicable comprehensive plan and rezone application fees;
      (b) SEPA checklist and applicable fee;
      (c) Copy of deed, real estate contract or earnest money agreement;
      (d) A full analysis of how the plan/zone change request is consistent with the applicable policies and criteria in the comprehensive plan and this chapter; and
      (e) Any additional information the applicant believes is necessary to justify the amendment.
   (4) Between February 1st to April 1st, initial county staff review shall include the following:
      (a) Distribution of applications requesting an amendment to an urban growth area boundary or seeking to amend a designation within an urban boundary to the affected city;
      (b) Completion of county SEPA official determination;
      (c) Circulation and publication of SEPA determinations to applicant, affected jurisdiction(s), neighborhood associations and agencies; and
      (d) Preparation of a single staff report and recommendation based on an assessment of cumulative impacts of plan change requests, and any other plan changes initiated by the county.
      The above process and timeline is intended as a guideline. Actual processing time may depend upon the number of applications and activity level at the time of formal applications. Following completion of subsections (D)(c)(1) through (c)(4) of this section, county staff shall schedule public hearings before planning commission. Following the completion of the planning commission public hearings, county staff shall schedule public hearings before the board on those cases recommended for approval by the planning commission or appealed if recommended for denial.
   (5) All cases recommended for approval by the planning commission or recommended for denial and subsequently appealed to the board, shall be considered by the board with the board ultimately adopting a single resolution disposing of all cases.
   (6) Burden of Proof. The burden of proving consistency with the criteria for plan amendments shall be upon the proponent.

E. Governmental coordination.
   1. The county will coordinate with each city and town, the annual review processes. Annual reviews shall be established to occur within each jurisdiction at least once a year.
   2. These coordinated annual reviews shall be subject to the criteria of this chapter and that of the applicable jurisdiction and include the following:
      a. Each urban area annual review, including applications initiated by a city shall assess the cumulative impacts of all potential or requested changes to the comprehensive plan map and policies throughout the specific urban areas as well as, to the countywide plan;
      b. Proposals that would result in urban development outside of an adopted urban boundary shall not be permitted unless the boundary is amended; and
      c. Cities, special districts and the county shall cooperate to preserve and protect natural resources, agricultural lands, open space and recreational lands within and near the urban areas.

3. Individual annual review applications may be submitted once a year to the applicable jurisdiction based on a schedule adopted by that jurisdiction. To the extent possible, the same schedule should be adopted by the county and each city/town for each urban area to facilitate mutual review and assessment of the applicable criteria. The following procedure is recommended for consideration of plan amendments or updates:
    a. After November 30th, distribute copies of pre-application forms submitted by applicant to affected city and agencies;
    b. Between October 15th and January 1st, complete pre-application meetings with county staff, applicants and affected city and agencies in attendance;
    c. Between January 1st and February 15th, distribute fully complete applications with any additional information to affected jurisdictions to facilitate their review process;
    d. In coordinating with the county, the cities shall submit written recommendation or additional information to the county;
    e. The county shall circulate initial review including SEPA determination and other pertinent information to the affected city and agencies; and
    f. The county will schedule public hearings before planning commission followed by public hearings before the board.

F. Comprehensive plan map changes—General. All plan map changes shall be accomplished through the following:
1. Changes approved by the county as a result of a comprehensive periodic review of the plan to be initiated by Clark County at minimum five (5) year intervals beginning in 1999;
2. Changes approved by the county in response to county, or property owner request not more than once per calendar year;
3. Out of cycle amendments initiated and approved by the county at any time;
4. Applications for map changes and urban growth area boundary amendments shall be consistent with the comprehensive plan matrix table or accompanied by concurrent rezone applications;
5. The county shall assess the cumulative impacts of all plan map changes against the comprehensive plan, plan text, map and relevant implementing measures. Monitoring benchmarks may be used to assess impacts.

G. Criteria for all map changes. Map changes may only be approved if all of the following are met:
1. The proponent shall demonstrate that the proposed amendment is consistent with the Growth Management Act and requirements, the countywide planning policies, the community framework plan, comprehensive plan, city comprehensive plans, applicable capital facilities plans and official population growth forecasts; and
2. The proponent shall demonstrate that the designation is in conformance with the appropriate locational criteria identified in the plan; and
3. The map amendment or site is suitable for the proposed designation and there is a lack of appropriately designated alternative sites within the vicinity; and
4. The plan map amendment either: (a) responds to a substantial change in conditions applicable to the area within which the subject property lies; (b) better implements applicable comprehensive plan policies than the current map designation; or (c) corrects an obvious mapping error; and
5. Where applicable, the proponent shall demonstrate that the full range of urban public facilities and services can be adequately provided in an efficient and timely manner to serve the proposed designation. Such services may include water, sewage, storm drainage, transportation, fire protection and schools. Adequacy of services applies only to the specific change site.

H. Additional criteria for rural map changes. Amendments to the plan map from a natural resource land designation to a smaller lot size natural resource designation or to a rural designation shall demonstrate that the following criteria have been met:
1. The requested change shall not impact the character of the area to the extent that further plan map amendments will be warranted in future annual reviews; and
2. The site does not meet the criteria for the existing resource plan designation; and
3. The amendment shall meet the locational criteria for the requested designation.

I. Rezones/zone changes. Rezone applications considered with a plan map amendment request shall be reviewed consistent with the plan matrix table and according to the procedures and timing specifications for plan map amendment specified in this section and shall comply with Section 40.560.020 and Chapter 40.510. Rezone applications proposing a change from contingent zoning or urban holding to an urban zoning district that is consistent with the comprehensive plan map designation shall be processed consistent with the procedures and criteria identified in the special implementation procedures section in Chapter 12 of the comprehensive plan. See also Section 40.560.020(G).

J. Mixed use designation zone change requests. The purpose of this section is to establish the requirements and procedures for the review and approval of rezone application(s) under the comprehensive plan mixed use designation. It is also intended that this section be utilized to implement pertinent county policies relating to mixed use development in a manner compatible with the comprehensive plan policies.
   1. Action Required.
      a. Applications for zone changes shall be reviewed through a Type III procedure in the same manner and with the same public notice procedure as is required for any other change of zoning.
      b. If a contiguous land area is proposed to be added to an existing mixed use designation, the application shall be subject to the plan change procedural ordinance and applicable criteria.
   2. Criteria. Before an area designated mixed use (MX) on the comprehensive plan is rezoned, the applicant shall demonstrate that:
      a. The request is consistent with the plan policies and locational criteria and the purpose statement of the requested zoning district;
      b. Requested zone change is consistent with the plan designation to zoning matrix table.
      c. The uses to be permitted and the development standard to be applied in the proposed district will promote the goals of the comprehensive plan and other applicable policies adopted by the county, particularly the mixed use policies in Chapters 1, 2, 5, 9 and 10 of the comprehensive plan;
      d. The proposed rezone and development would be integrated in a manner that provides opportunities to combine residential, commercial or other uses within individual structures, or within adjacent structures or adjacent properties;
      e. The proposed zone is the most appropriate, taking into consideration the purposes of each zone, the zoning pattern of surrounding land and the policies and intent of the mixed use plan designation;
      f. The requested zone change shall encompass at least thirty percent (30%) of a particular zone with a different category zone comprising at least thirty percent (30%) of the comprehensive plan designated mixed use area. No more than seventy percent (70%) of the mixed use designated area may be rezoned to commercial and/or single-family residential (R1-5, R1-6, R1-7.5, R1-10, R1-20); and
      g. Public services are demonstrated to be capable of supporting the uses allowed by the zone, or will be capable by the time development is complete.

K. Additional required criteria specific to urban growth area (UGA) boundary map changes.
   1. The county shall adopt countywide growth targets and regional sub-allocations, and map corresponding UGA boundaries and designations as follows:
      a. Adopt countywide twenty- (20) year target population and employment levels consistent with official State of Washington Office of Financial Management population growth forecasts ranges; and
      b. Officially sub-allocate- the adopted countywide population and employment targets to urban growth areas associated with each incorporated municipality in the county, and to the remaining rural area; and
      c. Adopt urban growth area boundaries and comprehensive plan land use designations which are consistent in their sizes and designations with the official sub-allocation for each UGA and the rural area.
   2. To allow for a comprehensive review and assessment of cumulative impacts, all UGA boundary review proposals shall be initiated by the county as part of a periodic review and update of the plan.
   3. The county may change adopted UGA boundaries only when lands designated within such boundaries have been developed as follows:
      a. A UGA expansion of residential or commercial lands may occur only if seventy-five percent (75%) or more of the respective residential or commercial vacant and buildable land base originally designated within the incorporated and unincorporated areas of the particular UGA at the time of the last sub-

allocation, including additions through any subsequent expansion, has been consumed through development; or

b. A UGA expansion of industrial lands may occur if fifty percent (50%) or more of the vacant and buildable prime industrial land base originally designated within the incorporated and unincorporated areas of the particular UGA at the time of the last sub-allocation, including additions through any subsequent expansion, has been consumed through development; or

c. A UGA expansion of commercial lands otherwise not consistent with the standards of this subsection may be included as part of a larger addition of residential lands consistent with this subsection, provided that the commercial lands are necessary to serve and fully integrated with the residential addition.

d. The board may waive the criteria in subsection (K)(3)(a) or (K)(3)(b) upon finding that:

(1) The request has been formally reviewed and endorsed by the impacted municipality, and

(2) The inability to reach the seventy-five percent (75%) threshold is accounted by a small number of parcels within the UGA which account for a significant portion of remaining buildable lands and for which it can be clearly demonstrated that they will not develop in the planning horizon of the existing boundary.

4. Any expansion to the UGA shall be accompanied by a demonstration that necessary urban services can and will be provided within ten (10) years' time. Such a demonstration shall include a need analysis estimating what urban services will be required, both in the expansion area and elsewhere in the county, and estimates as to when such services will be needed. Written documentation shall be provided from service providers indicating when, how, at what cost, and from which funding sources service will be provided.

5. The extent of a UGA boundary expansion shall be that necessary to provide a minimum five- (5) and a maximum ten- (10) year supply of vacant and buildable lands within the UGA. The calculation of supply shall be based on five- (5) and ten- (10) year population growth projections within the UGA, where such projections are consistent with adopted countywide growth targets and regional sub-allocations. If necessary, the county may adjust countywide growth targets and regional sub-allocations, provided that they are consistent with official OFM forecasts.

6. Lands brought into the UGA through expansion shall carry an urban holding overlay zoning designation unless the following circumstances exist:

a. A full range of urban services are immediately available, or planned for within a six (6) year period, with funding sources established; and

b. In cases of non-industrial lands, annexation or incorporation occurs if immediately feasible geographically, or a covenant relative to annexation is executed.

7. In evaluating potential changes to a particular UGA boundary, the county shall consider countywide implications for other UGA's and their sub-allocations.

8. The amendment shall address the assumptions, trends, key indicators and performance measures established in the land use element, Chapter 1, of the comprehensive plan.

9. The amendment does not include lands that are designated as natural resource (agricultural, forest, mineral resource) unless such lands are also designated with an urban reserve or industrial urban reserve overlay.

10. The amendment only indicates lands within the urban reserve area.

11. The following shall not apply to subsections (K)(1)-(10) of this section:

a. Correction of technical mapping errors involving small area or few properties;

b. An order from a court of competent jurisdiction or as a result of a Growth Management Hearings Board remand.

12. The county shall exercise its best efforts to coordinate UGA boundary change proposals with the affected city(ies), including the preparation of joint staff recommendations where possible. Unless waived by the affected city(ies), such city(ies) shall be given at least sixty (60) days' notice of the proposal prior to a county hearing thereon.

L. Comprehensive plan policy or text changes.

1. Action Required. Plan policy or text changes shall be accomplished through the changes initiated and approved by the county. These changes may occur as part of the periodic review update to occur consistent with RCW 36.70A.130, or as part of annual changes to the plan once per calendar year, or as part of emergency amendments which may be brought forward at any time, subject to applicable provision of this chapter.

2. Required Criteria. Plan text or policy changes may be approved only when all of the following are met:
    a. The amendment shall meet all the requirements of, and be consistent with the Growth Management Act and other requirements, the countywide planning policies, the community framework plan, the comprehensive plan, local comprehensive plans, applicable capital facilities plans and official population growth forecasts.
    b. The amendment, when applicable, shall address the assumptions, trends, key indicators and performance measures established in the land use element, Chapter 1, of the comprehensive plan.
    c. The county shall assess the cumulative impacts of all plan policy or text changes against the comprehensive plan, plan text, map and relevant implementing measures.

M. Other plan amendment categories.
1. Capital facilities plan and updates shall be reviewed annually in Type IV public hearings conducted by the planning commission and board for those facilities subject to county jurisdiction.
2. The Clark County parks, recreation and open space plan shall be reviewed annually by the Clark County parks advisory board and the board. Any amendments thereto which necessitate changes to the comprehensive plan shall be reviewed in public hearings by the planning commission and the board.
3. In updating capital facilities plans, policies and procedures, the county must determine that these updates are consistent with applicable policies and implementation measures of the comprehensive plan, and in conformance with the purposes and intent of the applicable inter-jurisdictional agreements.

N. Out of cycle amendments.
1. Revisions to the comprehensive plan may be considered more frequently than once per year under the following circumstances:
    a. Emergency in which a delay in action would result in a significant public harm;
    b. The initial adoption of a subarea plan;
    c. The adoption or amendment of a shoreline master program; and
    d. To resolve an appeal of a comprehensive plan filed with a Growth Management Hearings Board or from a court of competent jurisdiction.
2. Plan amendments reviewed under these conditions shall be considered legislative actions, subject to Type IV procedures of Section 40.510.040.
3. All amendments shall be considered subject to the review criteria established in this chapter.

O. Siting of state and regional public facilities of a countywide or statewide nature. Plan amendments to implement the policies of the comprehensive plan regarding proposals for siting essential public facilities such as airports, state educational facilities and other institutions necessary to support community development may be considered as follows:
1. Government facilities may be established as provided in other land use districts through the procedures specified in the applicable district without plan amendment.
2. Application for siting of public facilities may be approved if criteria as noted herein, are met:
    a. The county shall in cooperation with other jurisdictions ensure that siting of regional facilities is consistent with all elements of the adopted county comprehensive plan, local city plan and other supporting documents;
    b. The proposed project complies with all applicable provisions of the comprehensive plan, including countywide planning policies;
    c. The proposal for siting of a public facility contains inter-jurisdictional analysis and financial analysis to determine financial impact and applicable intergovernmental agreement;
    d. Needed infrastructure is provided for;
    e. Provision is made to mitigate adverse impacts on adjacent land uses;
    f. The plan for the public facilities development is consistent with the county's development regulations established for protection of critical areas; and
    g. Development agreements or regulations are established to ensure that urban growth will not occur if located adjacent to non-urban areas.

P. Cumulative impact. In reviewing all prospective comprehensive plan changes, the county shall analyze and assess the following to the extent possible:

1. The cumulative impacts of all plan map changes on the overall adopted plan, plan map and relevant implementing measures, and adopted environmental policies;
2. The cumulative land use environmental impacts of all applications on the applicable local geographic area and adopted capital facilities plans; and
3. Where adverse impacts are identified, the county may require mitigation. Conditions which assure that identified impacts are adequately mitigated may be proposed by the applicant and if determined to be adequate, imposed by the county as a part of the approval action.

Q. Fees. Application fees for all comprehensive plan and zone changes shall be considered as follows:
1. Filing fees for all plan amendments and zone changes shall be considered subject to the provisions of Chapter 6.110A.
2. If multiple similar applications are received in a year, fees set in Section 40.570.100(B) may be adjusted downward by the responsible official to reflect actual cost.

40.560.020 CHANGES TO DISTRICTS, AMENDMENTS, ALTERATIONS

A. Procedure, general. The UDC may be amended in any of the following ways:
1. By changing the boundaries of districts through a Type III map amendment (rezone) where the proposed zoning is consistent with the current comprehensive plan map designation;
2. By changing the boundaries of districts through a Type IV comprehensive plan map and zoning map amendment pursuant to Section 40.560.010; or
3. By changing code text through a Type IV text amendment, whenever the public health, safety and general welfare requires such an amendment. Such a change may be proposed by the board on its own motion or by motion of the planning commission, or by petition as hereinafter set forth. Any such proposed amendment or change shall first be submitted to the planning commission and it shall, within ninety (90) days after a hearing, recommend to the board approval, disapproval or modification of the proposed amendment.

B. Application.
1. Type III map amendments. Type III map amendments shall follow the Type III application procedures described in Section 40.510.030.
2. An application for amendment by a property owner or his authorized agent shall be filed with the responsible official. The application shall be made on forms provided by the county, accompanied by a site plan drawn to scale showing the property involved and adjacent land. A fee shall be paid to the county at the time of filing the application in accordance with the provisions of the county fee schedule.

C. Public hearings.
1. Type III map amendments. Type III map amendments shall follow the Type III public hearing procedures described in Section 40.510.030.
2. Type IV text amendments.
    a. Before taking final action on a proposed amendment, the planning commission shall hold a public hearing thereon. After receipt of the report on the amendment from the planning commission, the board shall hold a public hearing on the amendment. Public hearings by the planning commission shall be held in accordance with the provisions of Chapter 40.510.040.
    b. Re-submittal. In a case where a petition for an amendment is denied by the board, said petition shall not be eligible for re-submittal for one (1) year from the date of said denial, unless such denial was specifically stated to be without prejudice. A new petition affecting the same property must be, in the opinion of the planning commission and the board, substantially different from the petition denied to be eligible for consideration within one (1) year from the date of said denial, unless the first denial was denied without prejudice, or the planning commission finds that conditions have changed to an extent that further consideration is warranted.

D. Record of Amendments. The signed copy of each amendment to the text and map of this title shall be maintained on file in the office of the responsible official.

E. Rezone agreements.

1. The purpose of this subsection is to allow for the implementation of the comprehensive plan policies relating to future commercial centers and industrial developments, as appropriate. If, from the facts presented, and the findings, report and recommendations of the planning commission as required by this section thereof, the board - determines that the public health, safety and general welfare will be best served by a proposed change of zone, the board may indicate its general approval, in principle, of the proposed rezoning by the adoption of a "resolution of intent to rezone" the area involved. This resolution shall include any conditions, stipulations or limitations which the board may feel necessary to require in the public interest as a prerequisite to final action. The fulfillment of all conditions, stipulations and limitations contained in said resolution, on the part of the applicant, shall make such a resolution a binding commitment on the board. Such a resolution shall not be used to justify spot zoning, to create unauthorized zoning categories by excluding uses otherwise permitted in the proposed zoning, or by imposing setback, area or lot coverage restrictions not specified in the code for the zoning classification, or as a substitute for a variance. Upon completion of compliance action by the applicant, the board shall, by ordinance, effect such rezoning. The failure of the applicant to meet any or all conditions, stipulations or limitations contained in the resolution, including the time limit placed in the resolution, shall render the resolution of intent to rezone null and void, unless an extension is granted by the board upon recommendation of the planning commission. Generally, the time limitation shall be one (1) year. The board may grant up to five (5) one- (1) year extensions, after which the resolution shall be null and void if all conditions, stipulations and limitations have not been met by the applicant.
2. Concomitant Rezone Agreements.
    a. Purpose. The purpose of this subsection is to explicitly provide for the use of agreements concomitant to rezone approvals. The agreement may call for performance by the applicant which is directly related to public needs which may be expected to result from the proposed usage of the property. The performance called for will mitigate the public burden in meeting those resulting needs by placing it more directly on the party whose property use will give rise to such needs. The agreement shall generally be in the form of a covenant running with the land. The provisions of the agreement shall be in addition to all other pertinent Clark County Code requirements.
    b. Applicability. This agreement process will not generally be used for rezones to R1-6, R1-7.5, R1-10 or R1-20. It may, however, be used for any situation where extraordinary potential adverse impacts from a proposed rezone may be neutralized by the agreement. The agreement process may be employed for rezones in sensitive geographic areas such as critical transportation corridors. The agreement process will generally be used for rezones to commercial, industrial, and non-single family residential not specifically identified by the comprehensive plan map. Airport zoning shall also generally be by concomitant rezone agreement. The intent is that concomitant rezone agreements shall only be used when normal review and approval procedures are not adequate to resolve the specific issues involved in the rezone proposal.
    c. Mitigating Measures. The agreement may include mitigating measures such as:
        (1) Access control;
        (2) Landscaping, screening, buffering;
        (3) Improvements to public services including drainage, sewer, water and roads;
        (4) Lot coverage, dimension;
        (5) Phasing of development.
    d. Concept Plan. A concept plan may be required. When required, the concept plan shall be drawn to a one (1) inch to one hundred- (100) foot scale and include:
        (1) General location of structures;
        (2) Location and number of access points;
        (3) Approximate gross floor area of structures;
        (4) Name of the proposal;
        (5) Identification of areas requiring special treatment due to their sensitive nature;
        (6) North directional arrow; and
        (7) Names and location of all public streets or roads bordering the site.
    e. Application Procedure. The applicant may propose an agreement concomitant to rezone approval at the time of or after a pre-application conference with the responsible official. The proposed agreement shall include any proposed mitigating measures and concept plan as provided for by subsections (B)(3)

and (4) of this section. In cases where a specific project is to be considered in conjunction with a rezone request, the responsible official shall review the site plan.

f. Modifications. Modifications which are minor and without major impact may be approved by the board or its duly authorized representative, administratively and without public hearing. Any other modifications shall only be approved after the same procedure applicable to all rezones has been followed, including a public hearing.

g. Enforcement. The agreement shall provide for appropriate enforcement mechanisms and performance guarantees.

F. Release of concomitant rezone agreements.

1. Upon petition by the property owner, a concomitant rezone covenant may be fully or partially released, or modified, by the hearings examiner following a public hearing with notice as prescribed by Section 40.510.030 and in accordance with the criteria set forth in this section; provided, that if no development has occurred pursuant to a covenant entered into prior to July 1, 1980, such covenant may be fully released and the property subjected to all applicable standards and provisions of the current zoning ordinance by the board at a public meeting if it appears that no substantive issues are raised under the following criteria.
2. In considering requests for release or modification of concomitant rezone covenants, the review authority shall consider the following:
   a. In the case of full covenant release, whether development of the site would be consistent with current zoning regulations and comprehensive plan recommendations; and
   b. In the case of either full or partial covenant release or covenant modification, whether adequate public/private services are available to support development of the site; and
   c. In the case of either full or partial covenant release or covenant modification, whether the requested action would unreasonably impact development undertaken on nearby properties in reliance upon the covenant commitments; and
   d. In the case of partial covenant release or covenant modifications, whether future development under current zoning will be consistent with existing and planned development.

G. Contingent zoning. In order to assure the adequacy of public facilities and services (primarily the arterials road system) needed to support urban area wide infrastructure, the implementation of certain urban zone designations is contingent upon demonstration that needed improvements will be in place at the time urban development is available for occupancy and use. Such contingent zone designations, when applied, are denoted by adding the suffix "X" on the zoning map. Upon demonstration of evidence satisfactory to the board that the required public facility or public service improvements will be timely made, the board shall by resolution affect such zoning by deleting the suffix "X" from the zoning map. Such action shall not constitute a rezone or be subject to a public hearing process; provided, that the responsible official's SEPA determination shall be subject to administrative appeal as provided for in Section 40.570.080(D). Until final action by the board deleting the suffix "X," any development within a contingent zoning district shall be processed under the regulation applicable to the UH-10 district (or the UH-5 district in the Columbia Gorge National Scenic Area) unless planned for nonresidential uses, in which case development shall be processed under the UH-20 district.

H. Approval criteria. Zone changes may be approved only when all of the following are met:

1. Requested zone change is consistent with the comprehensive plan map designation.
2. The requested zone change is consistent with the plan policies and locational criteria and the purpose statement of the zoning district.
3. The zone change either:
   a. Responds to a substantial change in conditions applicable to the area within which the subject property lies;
   b. Better implements applicable comprehensive plan policies than the current map designation; or
   c. Corrects an obvious mapping error.
4. There are adequate public facilities and services to serve the requested zone change.

40.560.030 AMENDMENTS DOCKET

A. Statutory authority—Purpose.
   1. This section is enacted pursuant to RCW 36.70A.470.
   2. It is the purpose of this section to:
      a. Provide a means by which the county will docket identified deficiencies in plans or regulations and ensure their considerations for possible future plan or development regulation amendments; and
      b. Promote orderly growth and development by providing for suggested improvements in comprehensive plans and development regulations submitted by interested persons, hearing examiners and staff of other agencies.

B. Definitions. For the purposes of this section, the following definitions apply:

Deficiency	"Deficiency" means the absence of required or potentially desirable contents of a comprehensive plan or development regulation.
Development regulations	"Development regulations" means the control placed on development or land use activities by county legislation.
Docket	"Docket" means a list of compiled and maintained suggested text or policy changes to the comprehensive plan or development regulations.

C. Method of review. The responsible official shall maintain a docket that shall be kept in a manner to ensure that suggested changes will be considered by the county and will be available for review by the public. The following shall be the procedure for considering all suggested changes:
   1. Suggested plan or development regulation amendments may be submitted in writing to the responsible official.
   2. Any plan map changes initiated through this section shall be processed in accordance with Section 40.560.010 and relevant county code and plan provisions.
   3. Requests for map or text amendments to the comprehensive plan or implementing development regulations received by the county prior to September 1 will be considered in conjunction with the adoption of following year's work program.
   4. The compiled list of suggested changes shall be:
      a. Available for public review and comment; and
      b. Forwarded to affected city and other agencies for comment.
   5. Based on the comments and staff evaluation, the responsible official shall at least on an annual basis review the docket, any comments thereon, and shall recommend in the annual work program items to be included for future plan or development regulation amendments.
   6. Placement of an item on the docket does not establish the right to have that matter considered beyond what is provided in this section.

D. Board determination. The board shall review the recommendation of the responsible official at a work session for the following year's work program and determine which of the proposed amendments and revisions should be:
   1. Rejected;
   2. Included in the following year's work program; or
   3. Placed on a future work program.

40.570 STATE ENVIRONMENTAL POLICY ACT (SEPA)

40.570.010 AUTHORITY AND CONTENTS

A. Authority. Clark County adopts this chapter under the authority and mandates of the State Environmental Policy Act (SEPA), RCW 43.21C.120 and 43.21C-.135, and of the SEPA Rules, WAC 197-11-020.

B. Contents. The SEPA Rules must be used in conjunction with this chapter, which incorporates provisions of the SEPA Model Ordinance, WAC 173-806. This chapter contains the county's SEPA policies as prescribed by WAC 197-11-902, and SEPA procedures as required by WAC 197-11-904.

40.570.020 GENERAL REQUIREMENTS

A. Purpose of this chapter and adoption by reference. This section contains the basic requirements that apply to the SEPA process. The county adopts the following sections of the SEPA Rules by reference, as supplemented by this section:

WAC	
197-11-030	Policy
197-11-040	Definitions
197-11-050	Lead agency
197-11-055	Timing of the SEPA process
197-11-060	Content of environmental review
197-11-070	Limitations on actions during SEPA process
197-11-080	Incomplete or unavailable information
197-11-090	Supporting documents
197-11-100	Information required of applicants
197-11-158	GMA project review—Reliance on existing plans and regulations
197-11-164	Planned actions—Definitions and criteria
197-11-168	Ordinances or resolutions designating planned actions—Procedures for adoption
197-11-172	Planned actions—Project review
197-11-910	Designation of responsible official
197-11-912	Procedures on consulted agencies
197-11-210	SEPA/GMA integration
197-11-220	SEPA/GMA definitions
197-11-228	Overall SEPA/GMA integration procedures
197-11-230	Timing of an integrated GMA/ SEPA process
197-11-232	SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping
197-11-235	Documents
197-11-238	Monitoring
197-11-250	SEPA/Model Toxics Control Act integration
197-11-253	SEPA lead agency for MTCA actions
197-11-256	Preliminary evaluation
197-11-259	Determination of nonsignificance for MTCA remedial actions
197-11-262	Determination of significance and EIS for MTCA remedial actions
197-11-265	Early scoping for MTCA remedial actions
197-11-268	MTCA interim actions

B. Designation of responsible official for the purposes of SEPA.

1. For public proposals, the head (administrative official) of the lead department or division making the proposal shall be the responsible official. Whenever possible, agency people carrying out SEPA procedures should be different from agency people making the proposal (WAC 197-11-926(2)).

2. For private proposals, the head (administrative official) of the department or division with primary responsibility for approving or processing the permits and licenses for the proposal shall be the responsible official. When multiple officials have permitting authority, the assignment of responsibility shall be reached by agreement.
3. For all proposals for which the county is the lead agency, the responsible official shall evaluate the environmental impacts of the proposal, make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA Rules adopted by reference in Section 40.570.020(A), including consulted agency responsibilities under WAC 197-11-912 when the county is not the lead agency.
4. Departments of the county are authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WACs 197-11-942 and 197-11-944: provided, that the responsible official and any department that will incur responsibilities as the result of such agreement approve the agreement.
5. The county shall retain all documents required by the SEPA Rules (WAC 197-11) and make them available in accordance with RCW 42.17.

C. Additional SEPA timing considerations.
1. The following time limits (expressed in calendar days) shall apply when the county processes licenses for all private projects and those governmental proposals submitted to the county by other agencies requesting the county to perform lead agency functions:
    a. The county should complete threshold determinations that can be based solely upon review of the environmental checklist for the proposal within fifteen (15) calendar days of determining that an application is fully complete pursuant to Section 40.510.020(C) for Type II decisions or Section 40.510.030(C) for Type III decisions, but no sooner than the end of the comment period on any notice of application required pursuant to Section 40.510.020(E) for Type II decisions or Section 40.510.030(E) for Type III decisions.
    b. When the responsible official requires further information from the applicant or consultation with other agencies with jurisdiction:
        (1) The county should request such further information within fifteen (15) calendar days of determining that an application is fully complete;
        (2) The county shall wait no longer than thirty (30) days for a consulted agency to respond;
        (3) The responsible official should complete the threshold determination within fifteen (15) calendar days of receiving the requested information from the applicant or the consulted agency; provided, that a threshold determination shall not be issued until the expiration of the comment period on the notice of application, and shall be issued at least fifteen (15) calendar days prior to any open record pre-decision hearing required pursuant to Section 40.510.030(C).
    c. When the county must initiate further studies, including field investigations, to obtain the information to make the threshold determination, the county should complete the studies within thirty (30) days of determining that the application is fully complete.
2. For nonexempt proposals, the determination of nonsignificance (DNS) or final EIS for the proposal shall be combined with the county's staff recommendation to any appropriate advisory or decision-making body, such as the planning commission, hearings examiner, or board.
3. If the county's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the county conduct environmental review prior to submission of the detailed plans and specifications. The point at which environmental review may be initiated for specific permits or other licenses requiring detailed project plans and specifications is upon filing of a fully complete application, including an environmental checklist, and preliminary or conceptual site development plans.

D. SEPA/GMA integration. The county endorses the amended procedures of WAC 197-11-210 through 197-11-235 regarding the optional integration of SEPA review with actions being considered for adoption under the Growth Management Act and, when used, shall supersede the SEPA process requirements that would otherwise apply.

E. GMA project review—Reliance on existing plans and regulations. The county endorses the amended procedures of WAC 197-11-158 regarding reliance on existing plans, laws, and regulations for environmental review and any supplement provisions adopted pursuant to this part, and shall apply such procedures to the review of project proposal where appropriate.

F. Planned actions. The county endorses the amended procedures of WAC 197-11-164 through WAC 197-11-172 regarding project proposal review as a "planned action" to projects which meet the criteria for planned action environmental review in accordance with RCW 43.21C.031.

40.570.030 DEFINITIONS

A. Purpose of this section and adoption by reference. This section contains uniform usage and definitions of terms under SEPA. The county adopts the following sections of the SEPA Rules by reference, as supplemented by this section:

WAC	
197-11-700	Definitions
197-11-702	Act
197-11-704	Action
197-11-706	Addendum
197-11-708	Adoption
197-11-710	Affected tribe
197-11-712	Affecting
197-11-714	Agency
197-11-716	Applicant
197-11-718	Built environment
197-11-720	Categorical exemption
197-11-721	Closed record hearing
197-11-722	Consolidated appeal
197-11-724	Consulted agency
197-11-726	Cost-benefit analysis
197-11-728	County/city
197-11-730	Decision-maker
197-11-732	Department
197-11-734	Determination of nonsignificance (DNS)
197-11-736	Determination of significance (DS)
197-11-738	EIS
197-11-740	Environment
197-11-742	Environmental checklist
197-11-744	Environmental document
197-11-746	Environmental review
197-11-750	Expanded scoping
197-11-752	Impacts
197-11-754	Incorporation by reference
197-11-756	Lands covered by water
197-11-758	Lead agency
197-11-760	License
197-11-762	Local agency
197-11-764	Major action
197-11-766	Mitigated DNS
197-11-768	Mitigation
197-11-770	Natural environment
197-11-772	NEPA
197-11-774	Non-project
197-11-775	Open record hearing
197-11-776	Phased review
197-11-778	Preparation

197-11-780	Private project
197-11-782	Probable
197-11-784	Proposal
197-11-786	Reasonable alternative
197-11-788	Responsible official
197-11-790	SEPA
197-11-792	Scope
197-11-793	Scoping
197-11-794	Significant
197-11-796	State agency
197-11-797	Threshold determination
197-11-799	Underlying governmental action.

B. Additional definitions. In addition to those definitions contained within WAC 197-11-700 through 197-11-799, when used in this ordinance, the following terms shall have the following meanings, unless the context indicates otherwise:

Archaeological site	"Archaeological site" means a site containing significant physical evidence or ruins of human occupation or activity that are located on or below the surface of the ground and are at least one hundred (100) years old. Archaeological resources on these sites include, but are not limited to, the remains of houses, villages, camp and fishing sites, and cave shelters; rock art such as petroglyphs and pictographs; artifacts such as arrowheads, utensils, tools, fragments of tools and utensils, obsidian flakes or other material by-products from tool and utensil-making activities; and graves, human remains, and associated artifacts. "Department" means any division, subdivision or organizational unit of the county established by ordinance, rule, or order.
Early notice	"Early notice" means the county's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated determination of nonsignificance (DNS) procedures).
Ordinance	"Ordinance" means the ordinance, resolution, or other procedure used by the county to adopt regulatory requirements.
SEPA Rules	"SEPA Rules" means WAC 197-11 adopted by the Washington Department of Ecology.

40.570.040 THRESHOLD DETERMINATIONS

A. Purpose of this section and adoption by reference. This section contains the rules for deciding whether a proposal has a "probable significant, adverse environmental impact" requiring an environmental impact statement (EIS) to be prepared. This section also contains rules for evaluating the impacts or proposals not requiring an EIS. The county adopts the following sections of the SEPA Rules by reference, as supplemented in this section:

WAC	
197-11-300	Purpose of this part
197-11-310	Threshold determination required
197-11-315	Environmental checklist
197-11-330	Threshold determination process
197-11-335	Additional information
197-11-340	Determination of nonsignificance (DNS)
197-11-350	Mitigated DNS
197-11-355	Optional DNS process
197-11-360	Determination of significance (DS)/initiation of scoping
197-11-390	Effect of threshold determination

B. Environmental checklist.

1. A completed environmental checklist (or a copy), substantially in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not

specifically exempted in this ordinance; except, a checklist is not needed if the county and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The county shall use the environmental checklist to determine the lead agency and, if the county is the lead agency, for determining the responsible official and for making the threshold determination.

2. For private proposals, the county will require the applicant to complete the environmental checklist, providing assistance as necessary. For county proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.
3. The county may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if either of the following occurs:
    a. The county has technical information on a question or questions that is unavailable to the private applicant; or
    b. The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.

C. Threshold determinations. In reviewing an environmental checklist, the responsible official shall apply the threshold determination criteria of WAC 197-11-330 and, if necessary, may initiate the additional information-gathering procedures of WAC 197-11-335. Upon completion of this process, the responsible official shall issue one (1) of the following documents and proceed with requirements of the respective sections and subsections below: Determination of Nonsignificance (DNS); Mitigated DNS; or Determination of Significance (DS).

D. Determination of nonsignificance (DNS).
1. If the responsible official determines there will be no probable significant adverse environmental impacts from a proposal, a determination of nonsignificance (DNS) shall be prepared. The DNS shall be combined with the environmental checklist and other supporting documents to accompany the proposal through the normal review process.
2. If the proposal for which any DNS is issued involves another agency with jurisdiction, demolition of any nonexempt structure, issuance of non-exempt clearing or grading permits, or a GMA action, the following requirements apply:
    a. The DNS, environmental checklist, and other supporting documents shall be sent for a fourteen (14) calendar day review and comment period to agencies with jurisdiction, the Washington Department of Ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal;
    b. Public notice shall be given in accordance with Section 40.570.060(C); and
    c. The proposal shall not be acted upon for fourteen (14) calendar days after the date of issuance of the DNS.
3. The responsible official shall reconsider the DNS based on comments received, and may retain, modify or withdraw the DNS under WAC 197-11-340(2)(f) and (3)(a). Any modified DNS shall be sent to agencies with jurisdiction, but does not require a new comment period.

E. Optional DNS process.
1. For all proposals for which the county is the lead agency and determines upon a reasonable basis that adverse environmental impacts are unlikely, the county may use a single integrated comment period to obtain comments on the notice of application and the likely threshold determination for the proposal. When this process is used, a second comment period for the DNS will typically not be required.
2. Where the optional DNS process is used, the county shall:
    a. State on the first page of the notice of application that it expects to issue a DNS for the proposal, and that:
        (1) The optional DNS process is being used;
        (2) This may be the only opportunity to comment on the environmental impacts of the proposal;
        (3) The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and
        (4) A copy of the subsequent threshold determination for the specific proposal may be obtained upon request.

b. List in the notice of application the conditions being considered to mitigate environmental impacts, if a mitigated DNS is expected;
c. Comply with the requirements for a notice of application and public notice in RCW 36.70B.110; and
d. Send the notice of application and environmental checklist to:
(1) Agencies with jurisdiction, the Washington Department of Ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and
(2) Anyone requesting a copy of the environmental checklist for the specific proposal.

3. If the lead agency indicates on the notice of application that a DNS is likely, an agency with jurisdiction may assume lead agency status during the comment period on the notice of application (WAC 197-11-948).
4. The responsible official shall consider timely comments on the notice of application and either:
a. Issue a DNS or mitigated DNS with no comment period using the procedures in subsection (E)(5) of this section:
b. Issue a DNS or mitigated DNS with a comment period using the procedures in subsection (E) (5) of this section, if the lead agency determines a comment period is necessary;
c. Issue a DS; or
d. Require additional information or studies prior to making a threshold determination.
5. If a DNS or mitigated DNS is issued under subsection (E)(4)(a) of this section, the lead agency shall send a copy of the DNS or mitigated DNS to the Washington Department of Ecology, agencies with jurisdiction, those who commented, and anyone requesting a copy. A copy of the environmental checklist need not be recirculated.

F. Mitigated DNS.
1. As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarification of, the proposal made by the applicant.
2. An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:
a. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and
b. Precede the county's actual threshold determination for the proposal.
3. The responsible official should respond to the request for early notice within ten (10) working days. The response shall:
a. Be written;
b. State whether the county currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the county to consider a DS; and
c. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.
4. As much as possible, the county should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.
5. When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the county shall base its threshold determination on the changed or clarified proposal and should make the determination within fifteen (15) days of receiving the changed or clarified proposal:
a. If the county indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the county shall issue and circulate a DNS under Section 40.570.040(D)(2) and WAC 197-11-340(2).
b. If the county indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the county shall make the threshold determination, issuing a DNS or DS as appropriate.
c. The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct 200-foot stormwater retention pond at Y location" are adequate.

d. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies, or other documents.

6. A mitigated DNS is issued under Section 40.570.040(D)(2) and WAC 197-11-340(2), requiring a fifteen-(15) day comment period and public notice.
7. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the county.
8. If the county's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the county should evaluate the threshold determination to assure consistency with WAC 197-11-340(3)(a) (withdrawal of DNS).
9. The county's written response under subsection (F)(2) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the county to consider the clarifications or changes in its threshold determination.

G. Determination of significance (DS).
1. If the responsible official determines that a proposal may have a probable significant adverse environmental impact, a determination of significance (DS) shall be prepared. The DS document shall also serve as a scoping notice for soliciting comments on the scope of the EIS. If a determination of significance is made concurrently with any notice of application required pursuant to Section 40.510.020(E) for Type II decisions or Section 40.510.030(E) for Type III decisions, the notice of application shall be combined with the DS/scoping notice.
2. The responsible official shall circulate the DS/scoping notice to the applicant, the Washington Department of Ecology, other agencies with jurisdiction and expertise, affected tribes, and the public. Notice shall be given under Section 40.570.060(C). In the event a proposal is changed so as to result in a withdrawn determination of significance, a DNS shall be sent to all who commented on the DS/scoping notice; in such cases, a new public notice and fifteen (15) day comment period shall be provided.

40.570.050 ENVIRONMENTAL IMPACT STATEMENT (EIS)

A. Purpose of this section and adoption by reference. This section contains the rules for preparing environmental impact statements. The county adopts the following sections of the SEPA Rules by reference, as supplemented by this section:

WAC	
197-11-400	Purpose of EIS
197-11-402	General requirements
197-11-405	EIS types
197-11-406	EIS timing
197-11-408	Scoping
197-11-410	Expanded scoping (optional)
197-11-420	EIS preparation
197-11-425	Style and size
197-11-430	Format
197-11-435	Cover letter or memo
197-11-440	EIS contents
197-11-442	Contents of EIS on non-project proposals
197-11-443	EIS contents when prior non-project EIS
197-11-444	Elements of the environment
197-11-448	Relationship of EIS to other considerations
197-11-450	Cost-benefit analysis
197-11-455	Issuance of DEIS
197-11-460	Issuance of FEIS

B. Scoping.

1. An environmental impact statement (EIS) is required to analyze only those probable adverse environmental impacts that are significant (RCW 43.21C.031). The responsible official shall narrow the scope of every EIS to the probable significant adverse impacts and reasonable alternatives, including mitigation measures.
2. Scoping is required for the preparation of all new draft EIS's, but is optional at the discretion of the responsible official for the preparation of a supplemental EIS or when adopting another environmental document for the EIS.
3. As a minimum, the county shall invite agency and public comment on the scope of the EIS by circulating the DS/scoping notice in accordance with Section 40.570.040(G)(2). The scoping notice may stipulate that written comments are required, in which case agencies and the public shall be allowed twenty-one (21) days from the date of issuance of the DS in which to respond.

C. Preparation of EIS—Additional considerations.
1. Preparation of draft and final EIS's (DEIS and FEIS) and draft and final supplemental EIS's (SEIS) shall be under the direction of the responsible official. Before the county issues an EIS, the responsible official shall be satisfied that it complies with this ordinance and WAC 197-1.
2. The DEIS and FEIS or draft and final SEIS may be prepared by county staff, or by a consultant selected by the county or the applicant and approved by the county. For private proposals, the applicant will normally be required to retain a consultant to prepare a preliminary environmental document that county staff may then refine into a draft EIS. If the responsible official requires an EIS for a proposal and determines that someone other than the county will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the county's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.
3. The county may require an applicant to provide information the county does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this ordinance or that is being requested from another agency. (This does not apply to information the county may request under another ordinance or statute.)

D. Availability of EIS.
1. A draft EIS shall be distributed in accordance with WAC 197-11-455(1), and public notice that a DEIS is available shall be given under Section 40.570.060(C). Any person or agency may submit written comments on the DEIS within thirty (30) days of the date of issue, or within any extension to that comment period.
2. A final EIS should normally be issued within sixty (60) days of the end of the DEIS comment period, and shall be completed within one (1) year of the issuance of the determination of significance unless the county and applicant have otherwise agreed in writing to a longer period of time. The FEIS shall be sent to the Washington Department of Ecology (two (2) copies), to all agencies with jurisdiction, to all agencies submitting written comments on the DEIS, and to anyone requesting a copy of the FEIS. The responsible official shall also send a notice of FEIS availability and cost to anyone who commented on the DEIS and to those who received but did not comment on the DEIS, and to other parties of record. The county shall not act on a proposal for which an EIS has been required prior to seven (7) days after issuance of the FEIS.

40.570.060 NOTIFICATION AND COMMENTING

A. Purpose of this section and adoption by reference. This section contains the rules for accommodating agency and public awareness of environmental documents and determinations, including procedures for input and response. The county adopts the following sections of the SEPA Rules by reference, as supplemented in this section:

WAC	
197-11-500	Purpose of this part
197-11-502	Inviting comment
197-11-504	Availability and cost of environmental documents
197-11-508	SEPA register
197-11-510	Public notice
197-11-535	Public hearings and meetings
197-11-545	Effect of no comment

197-11-550 Specificity of comments
197-11-560 FEIS response to comments
197-11-570 Consulted agency costs to assist lead agency

B. Filing of environmental documents.
1. The county shall submit the following documents in a timely manner to the Washington Department of Ecology (DOE) for publication in the SEPA Register:
   a. All determinations of nonsignificance (DNS's), except those involving proposals for which there is no other agency with jurisdiction; provided, that DNS's for clearing or grading permits, demolition permits and GMA actions shall be submitted to DOE regardless of jurisdictional agencies;
   b. All mitigated DNS's;
   c. All determinations of significance (DS/scoping notices);
   d. All environmental impact statements (EIS's), including draft (DEIS), final (FEIS), and supplemental (SEIS) documents, and notices of adoption of EIS's or EIS addenda; and
   e. All notices of action published under the optional provisions of RCW 43.21C.080.
2. SEPA documents not listed in subsection (B)(1) of this section involve no statutory comment or response period, and are limited to certain EIS addenda (WAC 197-11-625) and DNS documents on proposals for which the county is the only agency with jurisdiction. These documents may, but are not required to, be circulated for agency and public review or comment.

C. Public notification.
1. A notice of action may be publicized in the manner prescribed by RCW 43.21C.080. Whenever the county issues any other document listed in Section 40.570.060(B)(1), public notice shall be given as follows:
   a. If public notice is required for a nonexempt license, the notice may state whether a DNS, DS or EIS has been issued and, if applicable, when comments are due.
   b. If no public notice is required or given pursuant to subsection (C)(1)(a) of this section, the county shall give notice of the DNS, DS or EIS availability by at least one (1) of the following methods:
      (1) Posting the property, for site-specific proposals;
      (2) Publishing notice in a newspaper of general circulation in the county, city or general area where the proposal is located;
      (3) Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;
      (4) Notifying the news media;
      (5) Placing notices in appropriate regional, neighborhood, ethnic or trade journals; and/or
      (6) Publishing notice in agency newsletters and/or sending notice via agency mailing lists.
2. Whenever possible, the county shall integrate the public notice required under this section with existing notice procedures for the county's nonexempt permit(s) or approval(s) required for the proposal.
3. The county may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

D. Comments and responses.
1. The county shall use reasonable methods to inform agencies and the public of environmental determinations, document availability, and review or comment opportunities. In particular, the county shall invite written comments on the environmental aspects of any nonexempt proposal to be submitted within the prescribed time limits, which are:
   a. Fourteen (14) calendar days from the date of issuance of any DNS under Section 40.570.060(B)(1);
   b. Twenty-one (21) days from the date of issuance of any DS/scoping notice under WAC 197-11-408(2)(a); and
   c. Thirty (30) days from the date of issuance of any draft EIS, unless an extension is granted under WAC 197-11-455(7).
2. Written comments on environmental documents submitted by any person or agency should be as specific as possible. The county shall consider and may respond to comments as deemed appropriate:
   a. Comments on a DNS may be used in reevaluating the threshold determination and in considering mitigation measures, but will normally involve no written response;
   b. Comments on a DS will be used in determining the scope of an EIS; and

c. Comments on a draft EIS will be evaluated for response in the FEIS, with primary consideration given to substantive comments.

40.570.070 USE OF EXISTING ENVIRONMENTAL DOCUMENTS

A. Purpose of this section and adoption by reference. This section contains the rules for using and supplementing existing environmental documents prepared under SEPA or the National Environmental Policy Act (NEPA) for the county's own environmental compliance. The county adopts the following sections of the SEPA rules by reference, as supplemented in this section:

WAC	
197-11-600	When to use existing environmental documents
197-11-610	Use of NEPA documents
197-11-620	Supplemental environmental impact statement—Procedures
197-11-625	Addenda—Procedures
197-11-630	Adoption—Procedures
197-11-635	Incorporation by reference—Procedures
197-11-640	Combining documents

B. Methods for utilizing existing documents. Whenever possible, the county shall reduce paperwork and the accumulation of background data by using existing environmental documents. The responsible official shall determine when the use of existing documents is appropriate, and may employ one (1) or more of the following methods:

1. Preparation of a supplemental EIS under WAC 197-11-620, if there are substantial changes in a proposal or new information which would identify probable significant adverse environmental impacts not covered in the existing environmental documents;
2. Preparation of an addendum that adds to, but does not substantially change, analyses or information in the existing environmental document, in accordance with WAC 197-11-625;
3. Adoption by notice of part or all of an existing environmental document to meet SEPA responsibilities under WAC 197-11-630; and
4. Incorporation by reference of existing studies or material into environmental documents being prepared, as prescribed by WAC 197-11-635.

C. Using NEPA documents. The county may use any environmental analysis prepared under NEPA to satisfy requirements of SEPA, subject to the limitations of WAC 197-11-610. In particular, either a NEPA environmental assessment or a NEPA EIS may be adopted as a substitute for preparing a SEPA EIS. A NEPA assessment may also be used in support of a SEPA determination of nonsignificance.

40.570.080 SEPA AND COUNTY DECISIONS

A. Purpose of this section and adoption by reference. This section contains the rules and policies for exercising SEPA's substantive authority, which means to condition or deny proposals based on SEPA. This section also contains procedures for appealing SEPA determinations. The county adopts the following sections of the SEPA Rules by reference, as supplemented in this section:

WAC	
197-11-650	Purpose of this part
197-11-655	Implementation
197-11-660	Substantive authority and mitigation
197-11-680	Appeals

B. Substantive authority.

1. The policies and goals set forth in this chapter are supplementary to those in the existing authorizations of Clark County.
2. Subject to RCW 43.21c.060 and 43.21c.240, the county may attach conditions to a permit or approval for a proposal so long as:

a. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this ordinance;
b. Such conditions are in writing;
c. The mitigation measures included in such conditions are reasonable and capable of being accomplished;
d. The county has considered whether other local, state or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
e. Such conditions are based on one (1) or more policies in Section 40.570.080(C) of this chapter and cited in the license or other decision document.

3. Subject to RCW 43.21c.060 and 43.12c.240, the county may deny a permit or approval for a proposal on the basis of SEPA so long as:
a. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in an FEIS or final SEIS prepared pursuant to this ordinance;
b. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and
c. The denial is based on one (1) or more policies identified in Section 40.570.080(C) of this chapter and identified in writing in the decision document.

C. SEPA policies. The county designates the following general policies as the basis for county's exercise of authority pursuant to this chapter:
1. The county shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs and resources to the end that the county and its citizens may:
a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
b. Assure for all people of Clark County healthful, productive and aesthetically and culturally pleasing surroundings;
c. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
d. Preserve important historic, cultural and natural aspects of our national heritage;
e. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
f. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.
2. The county recognizes that each person has a fundamental and inalienable right to a healthy environment, and that each person has a responsibility to contribute to the preservation and enhancement of the environment.
3. The county designates the following policies applicable to the major elements and selected subelements of the environment as defined by WAC 197-11-444, and incorporates by reference the policies in the cited county codes, ordinances, resolutions and plans, and all amendments to them in effect prior to the date of application of any building permit or preliminary plat, or prior to issuance of a DNS or DEIS for any other action:
a. Earth. It is the county's policy to avoid or minimize adverse impacts from ground-disturbing activities and land use changes within areas of steep or unstable slopes, areas with severe soil limitations, areas most susceptible to earthquake damage, and areas of erosion potential. The following code provisions offer more specific policies:
(1) Chapter 40.380, Stormwater and Erosion Control;
(2) Chapter 40.430, Geologic Hazard Areas Regulations;
(3) Chapter 14.04, Uniform Building Code (UBC), Section 106 (Permits/Submittal documents), UBC Sections 1624-1633 (Earthquake Regulations), UBC Chapter 18 (Excavations & Foundations) and UBC Chapter 33 (Excavations & Grading);
(4) Section 40.250.020, Surface Mining Overlay District.
b. Air. It is the county's policy to maintain and enhance air quality in the community. The county generally defers to the Southwest Clean Air Agency (SWCAA) on matters of stationary sources of air

pollution, while supporting the Regional Transportation Council (RTC) in the reduction of mobile sources of air pollution. It is the county's policy to require air quality analyses for proposed developments when recommended by SWCAA or RTC. In addition to compliance with the standards and requirements of the following code provisions, it is also the county's policy to further mitigate the generation of dust and odors from land use activities through the local permitting process:

(1) Section 40.200.010, Purpose;
(2) Section 40.230.030, Office Campus District, Sections 40.230.030(D)(5)(c) and (d);
(3) Section 40.230.040, Business Park District, Sections 40.230.040(D)(7)(c) and (d);
(4) Section 40.230.080, Industrial Districts, Sections 40.230.080(D)(2) and (3);
(5) Section 40.230.050, University District, Sections 40.230.050(D)(5)(c) and (d);
(6) Section 40.250.020, Surface Mining Overlay District;
(7) Chapter 40.260, Special Uses and Standards, Sections 40.260.040, 40.260.120 and 40.260.170;
(8) Chapter 40.340, Parking, Loading and Circulation, Section 40.340.010;
(9) Section 40.260.120, Solid Waste Handling and Disposal Sites, subsections 40.260.120(E)(2)(e) and (f).

c. Water. It is the county's policy to conserve and protect the quality, quantity and functional value of surface waters, wetlands, floodplains, and groundwater by enforcing the following code provisions and resolutions and through the imposition of other reasonable measures, including monitoring and hydrologic studies of surface and ground waters, to mitigate water-related impacts; provided, that minor new construction including the construction, reconstruction or expansion of single-family residences or accessory residential structures on preexisting lots containing wetlands shall only be subject to State Environmental Policy Act mitigation measures where clearly necessary to prevent or lessen identified and significant environmental degradation:

(1) Chapter 40.380, Stormwater and Erosion Control;
(2) Chapter 40.450, Wetland Protection;
(3) Chapter 40.410, Critical Aquifer Recharge Areas;
(4) Chapter 40.420, Flood Plain Overlay Districts;
(5) Section 40.250.020, Surface Mining Overlay District;
(6) Chapter 40.460, Shoreline Overlay District;
(7) Chapter 24.04, Sewage Regulations;
(8) Chapter 24.05, Individual Sewage Disposal System Requirements;
(9) Chapter 24.12, Solid Waste Management;
(10) Resolution No. 1991-07-35, coordinated water system plan;
(11) Resolution No. 1994-03-16, ground water management plan.

d. Plants and Animals. It is the county's policy to recognize the valuable functions provided by vegetation, and to mitigate impacts resulting from removal or replacement of vegetation. It is also the county's policy to preserve sensitive wildlife habitat areas and to conserve priority habitat areas, while also providing generally for wildlife habitat and corridors in the development review process where practicable. The county recognizes that some disruption of animal habitat and plant species is unavoidable and inevitable. In addition to implementing the following code provisions, it is further the county's policy to provide special protection for rare, threatened and endangered plant species, and for habitat of rare, threatened or endangered species of fish and wildlife:

(1) Title 7, Weed Control Code;
(2) Title 8, Animals;
(3) Chapter 40.380, Stormwater and Erosion Control;
(4) Chapter 40.450, Wetland Protection;
(5) Chapter 40.440, Habitat Conservation;
(6) Chapter 15.13, Wildland Urban Interface/Intermix Ordinance;
(7) Section 40.210.010, Forest, Agriculture and Agriculture/Wildlife District, subsection 40.210.010(A);
(8) Chapter 40.460, Shoreline Overlay District;
(9) Chapter 40.320, Landscaping and Screening.

e. Energy and Natural Resources. It is the county's policy to promote energy conservation measures, including the use of solar energy. The county recognizes the importance of electric, natural gas, oil and wood/pellet stoves in meeting energy needs, and supports the efforts of Clark Public Utilities in finding

new sources of electric energy, including co-generation facilities and small hydroelectric projects; provided, that impacts associated with the development of these energy sources can be adequately mitigated. The following code provisions offer more specific policies regarding energy conservation:
(1) Chapter 14.04, Uniform Building Code;
(2) Chapter 14.28, Washington State Energy Code;
(3) Section 40.200.010, Purpose;
(4) Section 40.220.010, Single-Family Residential Districts, subsection 40.220.010(C);
(5) Section 40.520.080, Planned Unit Developments, subsection 40.520.080(E)(1)(a)(2).

f. Environmental Health. It is the county's policy to avoid or minimize environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, and release of hazardous material spills and wastes. Specific policies relating to the control of these hazards are contained throughout the following code provisions:
(1) Title 7, Weed Control Code;
(2) Title 8, Animals;
(3) Title 9, Public Peace, Safety and Morals;
(4) Title 10, Vehicles and Traffic;
(5) Title 12, Streets and Roads;
(6) Title 13, Public Works;
(7) Title 14, Buildings and Structures;
(8) Title 15, Fire Prevention;
(9) Title 24, Public Health;
(10) Title 40, Unified Development Code.

g. Noise. It is the county's policy to minimize noise impacts associated with land use changes, including those related to existing sources of noise. To this end, it is the policy of the county to require that new sources of noise be limited to the maximum environmental noise levels of WAC 173-60; even within these regulatory standards, an increase of more than five (5) decibels (dBA) over ambient noise levels at the receiving properties may be considered significant. It is further the county's policy to encourage that sources of noise otherwise exempt from WAC 173-60 that may affect existing or proposed residential uses (e.g., traffic, discharge of firearms, utility installations, etc.) be mitigated to the standards thereof as a Class B source of noise (i.e., fifty-seven (57) dBA), and to require noise studies where necessary to assure that proposals address these policies. Additional noise policies are contained within the following code provisions:
(1) Section 8.11.060, Animal nuisances;
(2) Chapter 9.14, Public Disturbance Noises;
(3) Section 40.220.020, Residential Districts and Office Residential Districts, subsections 40.220.020(A)(1)(b) and (A)(2);
(4) Section 40.230.030, Office Campus District, subsection 40.230.030(D)(5)(a);
(5) Section 40.230.040, Business Park District, subsection 40.230.040(D)(7)(a);
(6) Section 40.230.080, Industrial Districts, subsection 40.230.080(D);
(7) Section 40.230.050, University District, subsection 40.230.050(5)(a);
(8) Section 40.250.020, Surface Mining Overlay District;
(9) Section 40.520.040, Site Plan Review, subsection 40.520.040(E)(2);
(10) Section 40.520.030, Conditional Use Permits, subsection 40.520.030(E);
(11) Chapter 40.260, Special Uses and Standards, Sections 40.260.040, 40.260.120 and 40.260.170;
(12) Section 40.260.120, Solid Waste Handling and Disposal Sites, subsection 40.260.120(E)(2)(f);
(13) Chapter 40.510, Type I, II, III and IV Processes, subsections 40.510.01(C)(3), 40.510.020(D)(5) and 40.510.030(D)(7); and
(14) Chapter 24.12, Solid Waste Management, Section 24.12.270.

h. Land and Shoreline Use. It is the county's policy to assure that an adequate supply of land exists for residential, commercial, industrial, recreational, natural resource use and open space needs. In addition to requiring compliance with the following code provisions and plan, it is further the policy of the county to assure that all reasonable measures are taken to maintain or promote compatibility among land and shoreline uses:
(1) Title 9, Public Peace, Safety and Morals;
(2) Title 10, Vehicles and Traffic;

(3) Chapter 13.20, Informational Signs;
(4) Chapter 40.440, Habitat Conservation;
(5) Chapter 14.04, Uniform Building Code;
(6) Chapter 14.14A, Dangerous Building Code;
(7) Chapter 14.32, Mobile Home Permits;
(8) Chapter 40.540, Boundary Line Adjustments and Land Division;
(9) Title 40, Unified Development Code;
(10) Comprehensive plan.

i. Aesthetics. It is the county's policy to maintain and enhance the aesthetic quality of the community, including preservation of scenic views and vistas, and to avoid or minimize adverse impacts of light and glare or other visual impacts associated with land use changes. Additional policies related to aesthetics and community appearance are contained within the following code provisions and plan:
(1) Chapter 10.10, Truck and Trailer Parking on Residential Streets;
(2) Chapter 13.20, Informational Signs;
(3) Chapter 40.430, Geologic Hazard Areas Regulations;
(4) Title 40, Unified Development Code;
(5) Chapter 24.12, Solid Waste Management;
(6) Comprehensive plan.

j. Recreation. It is the county's policy that recreational needs be met through acquisition of park sites, open space, trail corridors and impact fees in the development review process, including shoreline public access. It is also the policy of the county to maintain and enhance recreational opportunities in the community, and to encourage private recreational facilities; provided, that impacts associated with these facilities can be adequately mitigated. The following code provisions, resolutions and plan provide additional policies in this regard:
(1) Chapter 9.04, Park Rules;
(2) Chapter 9.12, Restricted Firearms Discharge;
(3) Chapter 9.17, Off-Road Vehicles;
(4) Chapter 14.20, Swimming Pools;
(5) Title 16, Boating;
(6) Section 40.540.050, Reservations-Park Sites;
(7) Title 40, Unified Development Code;
(8) Comprehensive plan;
(9) Resolution 1993-10-07, trails and bikeway system plan;
(10) Resolution 1994-06-18, comprehensive park, recreation, and open space plan.

k. Historic and Cultural Preservation. It is the county's policy to recognize and protect important historic and cultural resources, including those listed on the national, state and local registers of historic places; cultural resources inventoried by the State Archaeologist and Clark County; and as yet unrecorded sites, objects or structures. The county adopts by this reference the Clark County Archaeological Predictive Model and associated probability maps (which may be periodically updated to reflect the best available information) completed by Archaeological Investigations Northwest, Inc. in December, 1994, and establishes the following matrix (Table 40.570.080-1) as a guideline for when an archaeological survey should be required based upon: the probability maps; the described impact potential of land use applications; and the cited exceptions.

(1) ARCHAEOLOGICAL SURVEY REQUIRED (Yes/No)

Table 40.570.080-1.

Predictive Model Map Designation		**Potential for Impacts**		
Class	**Probability Index**	**Low[1]**	**Moderate[2]**	**High[3]**
1	1%--20% } Low	No	No	No
2	21%--40% } Low-Moderate	No	No	Yes
3	41%--60% } Moderate	No	Yes	Yes
4	61%--80% } Moderate-High	No	Yes	Yes
5	81%--100% } High	No	Yes	Yes

[1]Low potential impacts: Those activities involving no ground disturbance, normal maintenance and repair of existing structures and facilities, lands that have been substantially disturbed to a depth of more than eight (8) inches, and areas that have been adequately surveyed in the past with no discovery of resources.
[2]Moderate potential impacts: Activities involving slight ground disturbance not otherwise characterized as having low or high impact potential.
[3]High potential impacts: Activities involving disturbance of more than twelve (12) inches below the ground surface and more than ten thousand (10,000) square feet of area.

(2) Exceptions.
  (a) A survey should be required for any high potential impact project located within one-quarter (1/4) mile of a recorded site, regardless of the probability map designation.
  (b) A survey should be required for any moderate through high potential impact project located within five hundred (500) feet of a known unrecorded site, regardless of the probability map designation.
  (c) A survey should be required upon discovery of an archaeological site during development of any permitted project, regardless of the probability map designation.
  (d) A site walkover shall be an adequate survey for properties in the Predictive Class 1-3 unless a significant archaeological site has been discovered or indicated. Any more intensive investigation shall be determined by site-specific conditions which indicate the need for subsurface analysis.

(3) Predetermination. In any case where the preceding criteria calls for an archaeological survey, the project proponent may provide an independent archaeological predetermination report and/or request and pay a fee for a site inspection and predetermination by the county's consulting archaeologist in order to determine whether the likely presence of resources necessitates a survey.

(4) Mitigation Alternatives. An archaeological survey should result in a report addressing the significance of cultural resources present on the site and recommending appropriate mitigation measures, which may include but are not limited to the following:
  (a) Avoidance or non-disturbance;
  (b) Recording the site with the State Office of Archaeology and Historic Preservation;
  (c) Reinterment in the case of grave sites;
  (d) Covering the site with a nonstructural surface to discourage pilferage (e.g., maintained grass or pavement);
  (e) Excavation and recovery of resources; and
  (f) Inventorying prior to covering of resources with structures or development.

(5) It is further the county's policy to consult with affected Native American interests in matters of cultural resource preservation. Policies of the following code provisions and plan also apply to historic and cultural resources:
  (a) Chapter 14.04, Building Code, Section 14.04.020 and UBC Sections 106.1 and 3403.5;
  (b) Section 40.250.030, Historic Preservation, and Rules and Procedures of the Clark County Heritage Commission;
  (c) Chapter 40.240, Clark County Implementing Land Use Regulations for the Columbia River Gorge National Scenic Area;
  (d) Comprehensive plan, Chapter 8.

l. Transportation. It is the county's policy to promote multimodal, safe and efficient transportation systems, including roads and highways, mass transit systems, trails and bikeways, and facilities for air, rail and water transport. In addition to complying with the following code provisions and plan, proposals that are likely to place significant demands on transportation facilities may be subject to transportation analyses in order to identify appropriate mitigation measures:
(1) Chapter 9.04, Park Rules;
(2) Chapter 9.17, Off-Road Vehicles;
(3) Title 10, Vehicles and Traffic;
(4) Title 12, Streets and Roads;
(5) Chapter 13.20, Informational Signs;

(6) Chapter 14.16, House and Street Numbering;
(7) Title 15, Fire Prevention;
(8) Title 16, Boating;
(9) Chapter 40.540, Boundary Line Adjustments and Land Division;
(10) Title 40, Unified Development Code; and
(11) Comprehensive plan, Chapter 5.

m. Public Services and Utilities. It is the county's policy to require documentation of adequate levels of utility and public services necessary to support development proposals prior to their approval, including fire and police protection, water supply and sewage disposal, schools and parks, storm drainage, transportation facilities, solid waste disposal, and energy and telecommunication services. In addition to compliance with the following code provisions, resolutions and plan, it is also the county's policy to require urban density developments to be served by sanitary sewer systems, and to require public water supplies for new developments with two (2) or more water service connections:
(1) Title 12, Streets and Roads;
(2) Title 13, Public Works;
(3) Title 15, Fire Prevention;
(4) Chapter 40.540, Boundary Line Adjustments and Land Division;
(5) Title 40, Unified Development Code;
(6) Title 24, Public Health;
(7) Title 36, Cable Television;
(8) Resolution 1991-07-35, coordinated water system plan;
(9) Resolution 1994-03-16, ground water management plan;
(10) Resolution 1994-06-18, comprehensive park, recreation, and open space plan;
(11) Comprehensive plan, Chapter 6.

4. Through the project review process:
   a. If the applicable regulations require studies that adequately analyze all of the project's specific probable adverse environmental impacts, additional studies under this chapter will not be necessary on those impacts;
   b. If the applicable regulations require measures that adequately address such environmental impacts, additional measures would likewise not be required under this chapter; and
   c. If the applicable regulations do not adequately analyze or address a proposal's specific probable adverse environmental impacts, this chapter provides the authority and procedures for additional review.

D. Appeals.
1. The appellate procedures provided for by RCW 43.21C.060, which provides for an appeal to a local legislative body of any decision by a non-elected official conditioning or denying a proposal under authority of SEPA, are formally eliminated. Clark County establishes the following administrative appeal procedures which are to be construed consistently with RCW 43.21C.075 and WAC 197-11-680:
   a. All appeals under this title shall be in writing, filed with the responsible official and accompanied by an appellate fee pursuant to Chapter 6.110A; provided, no additional appellate fee shall be charged for appeals under this section filed in conjunction with an available administrative hearing on the underlying permit or approval.
   b. Appeals under this section are limited to the following:
      (1) The responsible official's procedural compliance with SEPA and Chapter 197-11 WAC in issuing the following determinations or documents:
         (a) Determination of nonsignificance (DNS),
         (b) Determination of significance (DS),
         (c) Environmental impact statement (EIS);
      (2) The conditioning or denial of a proposal under the authority of SEPA by a non-elected county official.
2. Appeals under this section shall be processed as follows:
   a. Determination of Significance (DS). An appeal may only be made by the proposal applicant or sponsor, and shall be filed within fourteen (14) calendar days of the issuance of the DS/scoping notice.

The appeal shall be heard and decided by a hearing examiner appointed pursuant to Chapter 2.51 of this code, whose decision shall be final and not subject to further administrative appeal.

b. Determination of Nonsignificance (DNS)/Environmental Impact Statement (EIS). An appeal may be filed by any agency or person in conjunction with the first nonexempt action on the proposal by a non-elected administrative official, as follows:
   (1) For proposals which may be approved by an administrative official without public hearing, including but not limited to building permits, site plan approvals, floodplain permits, shoreline permits, grading permits, wetland permits, habitat conservation permits, short plats, mobile home parks and residential planned unit developments, SEPA appeals must be filed in conjunction with, and within the limitation period applicable to, an available administrative appeal of the applicable permit or approval; provided, that if no administrative appeal of the underlying administrative permit or approval is otherwise provided for, an appeal under this section shall be filed within fourteen (14) calendar days of the issuance of the permit or approval, and shall be heard and decided by a hearing examiner appointed pursuant to Chapter 2.51 of this code. The decision of the hearing examiner or other initial appeal body on the SEPA appeal shall be final and not subject to further administrative appeal.
   (2) For proposals which may only be recommended for approval following a public hearing by the planning commission, including but not limited to comprehensive plan amendments and rezones, SEPA appeals shall be filed in writing with the board within fourteen (14) calendar days of issuance of said recommendation, which appeal shall be decided by the board in conjunction with its decision on the underlying recommendation.
   (3) For proposals which may only be approved following a public hearing by the hearing examiner, including but not limited to rezones, conditional use permits, subdivisions, and mixed use planned unit developments, SEPA appeals of a procedural determination under SEPA shall be filed within fourteen (14) calendar days after a notice of SEPA determination. Such procedural and substantive SEPA appeal shall be decided by the examiner in conjunction with the examiner's final order on the proposal. The examiner's procedural SEPA decision is final and not subject to further administrative appeal.

c. Substantive SEPA Determination.
   (1) For proposals subject to final administrative action by a non-elected administrative official or tribunal for which no administrative appeal is otherwise provided, any agency or person may appeal conditions or denials, or the failure to condition or deny, based upon substantive SEPA authority within fourteen (14) calendar days of the issuance of the administrative decision. Such appeal shall be heard and decided by a hearing examiner appointed pursuant to Chapter 2.51 of this code, whose decision shall be final and not subject to further administrative appeal. The examiner's open record appeal hearing shall be held within ninety (90) days, unless parties to the appeal agree to extend this time period.
   (2) For proposals subject to final administrative action by a non-elected administrative official or tribunal for which an administrative appeal is otherwise provided, any agency or person may appeal conditions or denials, or the failure to condition or deny, based upon substantive SEPA authority by utilizing such otherwise available administrative appeal process.

3. For any appeal under this subsection, the county shall provide for a record that shall consist of the following:
   a. Findings and conclusions;
   b. Testimony under oath; and
   c. A taped or written transcript.
4. The procedural determination by the county's responsible official shall carry substantial weight in any appeal proceeding.
5. The county shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.

40.570.090 CATEGORICAL EXEMPTIONS

A. Purpose of this section and adoption by reference. This section contains rules for determining if a proposal is exempt from environmental review under this ordinance. This section also applies optional criteria for

exemptions, including establishment of local thresholds, designation of critical areas, and selection of nonexempt actions within those areas. The county adopts the following sections of the SEPA Rules by reference, as supplemented in this section:

WAC	
197-11-305	Categorical exemptions
197-11-800	Categorical exemptions
197-11-880	Emergencies
197-11-890	Petitioning DOE to change exemptions
197-11-908	Critical areas

B. Use of exemptions.
1. Each department within the county that receives an application for a license or, in the case of governmental proposals, the department initiating the proposal, shall determine whether the license and/or the proposal is exempt. The department's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this ordinance apply to the proposal. The county shall not require completion of an environmental checklist for an exempt proposal.
2. In determining whether or not a proposal is exempt, the department shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the department shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.
3. If a proposal includes both exempt and nonexempt actions, the county may authorize exempt actions prior to compliance with the procedural requirements of this ordinance, except that:
   a. The county shall not give authorization for:
      (1) Any nonexempt action;
      (2) Any action what would have an adverse environmental impact; or
      (3) Any action that would limit the choice of alternatives.
   b. A department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and
   c. A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.

C. Exempt levels for minor new construction. Clark County establishes the following exempt levels for the minor new construction activities under WAC 197-11-800(1)(b) based on local conditions:
1. For residential structures in WAC 197-11-800(1)(b)(i), up to twenty (20) dwelling units shall be exempt within unincorporated urban areas designated by the comprehensive plan; within designated urban reserve and rural areas, four (4) or less dwelling units shall be exempt.
2. For agricultural structures in WAC 197-11-800(1)(b)(ii), the exempt threshold shall be ten thousand (10,000) square feet.
3. For office, school, commercial, recreational, service or storage buildings (but not including manufacturing buildings) in WAC 197-11-800(1)(b)(iii), up to twelve thousand (12,000) square feet of gross floor area and up to forty (40) associated parking spaces shall be exempt within unincorporated urban areas designated by the comprehensive plan; within designated urban reserve and rural areas, the exempt levels for these facilities shall be four thousand (4,000) square feet or less, and up to twenty (20) parking spaces.
4. For parking lots in WAC 197-11-800(1)(b)(iv), up to forty (40) parking spaces shall be exempt within unincorporated urban areas designated by the comprehensive plan; within designated urban reserve and rural areas, the exempt level shall be twenty (20) parking spaces.
5. For landfills and excavations in WAC 197-11-800(1)(b)(v), up to five hundred (500) cubic yards shall be exempt.
6. Whenever the county establishes new exempt levels under this section, it shall send them to the Washington Department of Ecology, Headquarters Office, Olympia, Washington 98504, under WAC 197-11-800(1)(c).

D. Critical areas.
   1. Clark County designates the following as critical areas, in which the exemptions as specified in Section 40.570.090(E) do not apply:
      a. Shoreline Management Areas. Land and water areas under jurisdiction of the Shoreline Management Act are critical areas. These shorelines of the county are mapped in the Clark County Shoreline Master Program, which maps are incorporated in this chapter by reference.
      b. Floodplains. All areas within the one hundred- (100) year floodplain boundary delineated by the Federal Emergency Management Agency (FEMA) under the Flood Insurance Study for Clark County are critical areas. These one hundred- (100) year floodplains are designated on FEMA's Flood Insurance Rate Maps (FIRM), which are incorporated in this chapter by reference.
      c. Wetlands subject to the provisions of Chapter 40.450 are critical areas.
      d. The following critical areas regulation ordinances but only for personal wireless service facilities:
         (1) Chapter 40.440, Habitat Conservation Ordinance;
         (2) Chapter 40.430, Geologic Hazard Areas Regulations;
         (3) Chapter 40.410, Critical Aquifer Recharge Areas.
   2. The scope of environmental review of actions within these areas shall be limited to:
      a. Documenting whether the proposal is consistent with the requirements of the applicable critical areas ordinance; and
      b. Evaluating potentially significant impacts on the critical area resources not adequately addressed by the comprehensive plan and implementing ordinances, including any additional mitigation measures needed to protect the critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.
   3. The county shall treat proposals located wholly or partially within a critical area no differently than other proposals under this ordinance, making a threshold determination for all such proposals. The county shall not automatically require an EIS for a proposal merely because it is proposed for location in a critical area.

E. Non-applicable exemptions to critical areas. Clark County selects the following categorical exemptions to be inapplicable within certain critical areas as specified below:
   1. The minor new construction exemptions under Section 40.570.090(C) do not apply within any critical area, except that agricultural structures in Section 40.570.090(C)(2) are exempt in shoreline and unstable slope areas, and on slopes of forty percent (40%) or greater.
   2. Other minor new construction exemptions under WAC 197-11-800(2) do not apply as follows:
      a. Bus shelters and other transit facilities in WAC 197-11-800(2)(a) are not exempt in any critical area;
      b. Commercial and public signs in WAC 197-11-800(2)(b) are not exempt in shoreline management areas;
      c. Minor road and street improvements in WAC 197-11-800(2)(c) are not exempt in any critical area;
      d. Grading, septic tank installation, and other activities in WAC 197-11-800(2)(d) are not exempt in any critical area;
      e. Building additions and modifications in WAC 197-11-800(2)(e) are not exempt in any critical area;
      f. Demolition of structures in WAC 197-11-800(2)(f) is not exempt in shoreline management areas;
      g. Underground storage tanks in WAC 197-11-800(2)(g) are not exempt in any critical area; and
      h. Street or road vacations in WAC 197-11-800(2)(h) are not exempt in shoreline management areas.
   3. The approval of short plats under WAC 197-11-800(6)(a) is not exempt in any critical area.
   4. Licenses for amusement and entertainment activities in WAC 197-11-800(14)(c) are not exempt in any critical area.
   5. Utility-related exemptions under WAC 197-11-800(24) do not apply as follows:
      a. Communication lines in WAC 197-11-800(24)(a) are not exempt in shoreline management areas;
      b. Eight- (8) inch or less diameter water, sewer and stormwater facilities in WAC 197-11-800(24)(b) are not exempt in any critical area;
      c. Electric facilities in WAC 197-11-800(24)(c) are not exempt in shoreline management areas;
      d. Natural gas distribution facilities in WAC 197-11-800(24)(d) are not exempt in shoreline, areas; and
      e. Right-of-way clearing in WAC 197-11-800(24)(f) is not exempt in shoreline areas.
   6. The natural resources management exemptions under WAC 197-11-800(25) do not apply as follows:
      a. Issuance of leases for school sites in WAC 197-11-800(25)(f) is not exempt in any critical area; and
      b. Development of recreational sites in WAC 197-11-800(25)(h) is not exempt in any critical area.

7. Personal wireless service facilities in WAC 197-11-800(27) are not exempt in any critical area.

40.570.100 AGENCY COMPLIANCE

A. Purpose of this section and adoption by reference. This section contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The county adopts the following sections of the SEPA Rules by reference, as supplemented by this section:

WAC	
197-11-900	Purpose of this part
197-11-902	Agency SEPA policies
197-11-904	Agency SEPA procedures
197-11-906	Content and consistency of agency procedures
197-11-914	SEPA fees and costs
197-11-916	Application to ongoing actions
197-11-920	Agencies with environmental expertise
197-11-922	Lead agency rules
197-11-924	Determining the lead agency
197-11-926	Lead agency for governmental proposals
197-11-928	Lead agency for public and private proposals
197-11-930	Lead agency for private projects with one agency with jurisdiction
197-11-932	Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city
197-11-934	Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies
197-11-936	Lead agency for private projects requiring licenses from more than one state agency
197-11-938	Lead agencies for specific proposals
197-11-940	Transfer of lead agency status to a state agency
197-11-942	Agreements on lead agency status
197-11-944	Agreements on division of lead agency duties
197-11-946	DOE resolution of lead agency disputes
197-11-948	Assumption of lead agency status

B. Fees. The county shall require the following fees for its activities in accordance with the provisions of this title:
1. Threshold Determinations. For every environmental checklist the county will review when it is lead agency, the county shall collect fees as set forth in Chapter 6.110A.
2. Environmental Impact Statement.
   a. When the county is the lead agency for a proposal requiring an EIS, the county may charge and collect a reasonable fee from any applicant to cover costs incurred by the county in preparing the EIS including costs associated with the review and revision of a proposed EIS that initially is provided by the applicant. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall provide a deposit, post bond, or otherwise ensure payment of such costs.
   b. The responsible official may determine that the county will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the county, and may bill such costs and expenses directly to the applicant. The county may require the applicant to post bond or otherwise ensure payment of such costs. Such consultants shall be selected by mutual agreement of the county and the applicant.
   c. If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under subsections (B)(2)(a) or (B)(2)(b) of this section which remain after incurred costs are paid.
3. The county may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this title relating to the applicant's proposal.
4. The county shall not collect a fee for performing its duties as a consulted agency.

5. The county may charge any person for copies of any document prepared under this title, and for mailing the document, in a manner provided by RCW 42.17.
6. The responsible official shall promulgate procedures to implement this section.
7. Additional environmental review fees may be assessed if the proposed development has changed substantially from that which was earlier reviewed.

40.570.110 FORMS

Adoption by reference. The county adopts the following forms and sections of the SEPA Rules by reference:

WAC	
197-11-960	Environmental checklist
197-11-965	Adoption notice
197-11-970	Determination of nonsignificance (DNS)
197-11-980	Determination of significance and scoping notice (DS)
197-11-985	Notice of assumption of lead agency status
197-11-990	Notice of action